For the use of the Commissioner Cornwallis

AN

ABSTRACT

OF THE

REGULATIONS

ENACTED

For the Administration

OF THE

POLICE

AND

CRIMINAL JUSTICE,

IN THE

Provinces

OF

BENGAL, BEHAR, & ORISSA.

WITH AN INDEX AND NOTES OF REFERENCE TO ANY ENACTMENTS BY WHICH PROVISIONS STILL IN FORCE MAY HAVE BEEN MODIFIED OR ALTERED.

ORIGINALLY COMPILED

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To the Year 1818;

AND CONTINUED

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ADVERTISEMENT.

THIS Volume contains an Abstract of the Regulations enacted for the Administration of the POLICE and CRIMINAL JUSTICE, in the Provinces of BENGAL, BEHAR, and ORISSA, from the Year 1793 to the end of 1823, omitting such Regulations, or parts thereof, as have been rescinded, or superseded, and having a reference to any enactments by which provisions still in force may have been modified, altered, or extended in their application.

The Regulations enacted for BENARES and the WESTERN PROVINCES are not inserted, being nearly the same as those in force in the LOWER PROVINCES.

The words in Italics indicate the matter to which the marginal Notes refer,—otherwise when no words are printed in Italics, the Note applies to the whole Clause or Section.

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For

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SECTIONS	REGULATION IX.
2d.	(MODIFIED by Sec. 2d, Regulation 16, 1810.) Oath to be taken by Magistrates.
3d.	Jurisdiction of Zillah and City Magistrates.
4th.	Magistrates to apprehend all disturbers of the Peace, and persons charged before them with crimes and misdemeanors.
5th. Part rescinded, vide Section 2d, Regulation 9th, 1807. Vide Sec. 3d, Reg. 9, 1796.	To apprehend offenders on complaint in writing, and prosecutor swearing to the charge. What the warrant is to contain, and examination of parties how conducted. If committed for trial, prosecutor to be bound over to prosecute, and penal obligations to be taken from *prosecutor, and witnesses to be in attendance* before the Court of Circuit.
6th. CONFESSIONS.	Points to be enquired into by the Magistrate on a charge being preferred. Confessions of Prisoners before the Magistrate, or confirmation of former confessions to be attested by witnesses, who are to attend the Court of Circuit. To be careful, such confessions are free and voluntary; and to suffer no threats or promises with a view to induce confession.
7th. Extended, Sec. 9, Reg. 9, 1807. Extended, Sec. 5. Regulation 2, 1807. OFFENCES NOT BAILABLE.	Persons accused of Murder, Robbery, House-breaking, Theft, or Counterfeiting the Coin, shall not be *admitted to Bail.*
8th. Extended vide Sec. 19, Reg. 9, 1807, and Sec. 20, 1807.	Magistrates authorized to try complaints for petty offences, and to punish by *imprisonment and fine*, under certain limitations; or

if

Apprehension and trial of persons charged with Crimes, &c.

OFFENCES PUNISHABLE BY MAGISTRATE.

if the offender be a proprietor of land paying a Revenue above 10,000 Rupees, fine may be extended to 200 Rupees.

9th. Vide C. 4 & 5, Sec. 2, & C. 3, 4, & 5, Sec. 3, Reg. 12, 1818.

Also to hear and determine all complaints for petty thefts and inflict corporal punishment & imprisonment *under certain limitation.*

10th. Extended by Sec. 5, Reg. 7, 1811.

Unfounded or vexatious plaints preferred under the above Section, *punishable under what limitation.*

11th.

Magistrates to give public notice of the expected time of arrival of the Courts of Circuit, Witnesses, &c. failing to attend, to forfeit the penalty of their recognizance.

12th.

Magistrates to ascertain from Prisoners committed or held to Bail, the Evidence they may have to offer in their defence, and to cause the attendance of *such witnesses* before the Courts of Circuit.

Extended, vide Reg. 9, 1790.

CALENDAR.

13th. Vide Sec. 9, Reg. 16, 1805.

Form of Calendar to be prepared by the Magistrate and delivered to the Court of Circuit on their arrival.

14th. Extended, vide Sec. 4, Reg. 9, 1790.

Documents and Proceedings in the trial to *accompany the Calendar.*

15th. Vide Sec 7, Reg. 4, 1797 Vide Sec. 10, Reg. 16, 1805.

Examinations to be written on separate papers; signed by the deponents, and attested by the Magistrate.

Examinations

SECTIONS	REGULATION IX.
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ADDITIONAL CALENDAR. 17th. Explained, vide Sec. 22, Reg. 9, 1807.	Magistrates to submit to Courts of Circuit two further *Calendars* of persons apprehended and discharged, with the grounds; and of persons tried and convicted under Sections 8th and 9th. Proceedings and documents to accompany each Calendar, and Court of Circuit to report to the Nizamut Adawlut, instances where it may appear to them persons have been released or punished on *insufficient grounds.*
18th.	Magistrates to notify to Collectors of Land Revenue, when they may commit any Proprietors of Land; that payment of the Revenue may be provided for.
19th.	Rescinded by Regulation 2d, 1796.
JAIL AND PRISONERS. 20th. Rules for Management of Jails and Surgeon's duty, &c.	Magistrate to visit the Jail monthly or oftener; to attend to the health and cleanliness of prisoners; to hear and redress all well-founded complaints.
21st. Ditto ditto.	Description of Prisoners who are to be confined in separate apartments---Gaming and other immoralities to be prevented.
22d.	Rescinded,---Section 6th, Regulation 14, 1797.

Charges

23d. Vide Sec. 11, Reg. 16, 1805.	Charges and the Orders passed on them by the Magistrate to be recorded in the English, and in the Persian and Bengallee languages.
24th.	Rescinded,—Section 13th, Regulation 16, 1810.
25th. Vide Sec. 11, Reg. 16, 1805.	Persons released after confinement of six months or upwards, to receive pecuniary maintenance for one month, if required, but not to exceed 5 Rupees.
SUBSISTENCE TO PROSECUTORS, WITNESSES, AND PRISONERS DISCHARGED. 26th. Ditto, vide Sec. 3, Reg. 2, 1796.	Prosecutors and witnesses in attendance before the Court of Circuit to receive a daily *allowance of 2 Annas.*
27th. Ditto	Daily subsistence to be paid to Prisoners, from the time of their apprehension to their discharge.
28th to 30th, Vide Sec. 4, Reg. 2, 1799.	Reports to be transmitted by the Magistrate, periodically, to the Register of the Nizamut Adawlut.
COURTS OF CIRCUIT 31st and 32d	Four Courts of Circuit to be continued, and defining the Jurisdiction of each Court.
33d.	Judges of Provincial Courts of Appeal to be Judges of Courts of Circuit in their respective jurisdictions.
OATH. 34th. Extended to N. A. Sec. 11, Reg. 2, 1801. (Dewany.)	*Oath* to be taken by the Judges of Circuit.

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35th
Vide C. 2, S. 3, R. 13, 1793. (Dewanny.)

Registers and Assistants to the Courts of Appeal to be Registers and Assistants to the Courts of Circuit. *Oath to be taken.*

36th.

Cauzies and Muftics to the Courts of Appeal to officiate likewise in the Courts of Circuit.

37th.

Rescinded--- Section 4th, Regulation 18th, 1817. (Dewanny.)

38th.

Modified by Ditto Ditto.

39th.

Serishtadars and Native Officers to the Courts of Appeal to officiate in the same capacity to the Courts of Circuit.

40th.

Two Jail deliveries to be held annually.

Vide S. 6, R. 6, 1796 and S. 3, R. 3, 1797.

Two Circuits to be made by the Judges, who are to remain at the station of the Magistrates until Trials are completed and sentence passed or referred to the Nizamut Adawlut.

41st to 46th.

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47th.
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Manner in which the trial of Prisoners is to be conducted and the *Futwa of the Law Officers taken.*

PROSECUTIONS BY VAKEEL. TRIAL AND FUTWA CIRCUIT.

48th.

Modified.
Vide S. 1, R. 9, 1807 and S. 3, R. 3, 1812.

Persons allowed to *prosecute by Vakeel* in cases authorized by Mahomedan Law; but the Court may require the personal attendance of prosecutor (if not a woman of rank) whose Evidence, or that of female witnesses, may be taken by Commission as prescribed by the Mahomedan Law.

Sections	Regulation IX.
TRIAL POSTPONED. 49th. Vide C. 2, S. 2, R. 50, 1803.	Trials *may be postponed* if the attendance of any necessary witnesses on the part of the prosecution or defence is not to be procured.
50th. Vide Ditto.	In trials for Murder, the Law Officers to deliver their Futwa, according to the Doctrines of Yousuf and Mahomed.
MUTILATION. 51st.	No Criminal to suffer mutilation; what punishment to be inflicted in lieu thereof.
52d.	Rescinded Sec. 2d, Regulation 4th, 1797.
JUDGE DISAPPROVING FUTWA. 53d. Vide S. 3, R. 4, 1797	When the Judge may disapprove the Futwa of the Law Officer to suspend Sentence and *transmit the trial* with a separate letter, stating the grounds of disapproval, to the Nizamut Adawlut.
POINT OF LAW. 54th.	Judges to refer all questions on points of Law to the Law Officers, unless particularly provided for by the Regulations. Courts to be guided by such opinion, although they should disapprove them; but at liberty to suspend sentence, and refer the Trial and Futwa with their objections to the Nizamut Adawlut.
55th.	Rescinded by Sec. 2 Regulation 4, 1797.
56th.	Religious persuasions of Witnesses not to invalidate their testimony in cases where Mahomedan Law declares Witnesses incompetent

Sections	Regulation IX.
	VALIDITY OF EVIDENCE. incompetent on the grounds of their not being Mahomedans; the Futwa to be required which would have been given if the Witnesses had been Mahomedans, and Sentence to be suspended and trial referred to the Nizamut Adawlut.
57th,	The Courts of Circuit to state their opinion on the merits of all cases in which they are directed not to pass sentence.
58th. Vide S. 13, R. 4, 1797 Modified by S. 10, R. 2, 1801. (Dewany.)	REFERENCE OF CAPITAL CASES. Courts to transmit all trials in capital cases, with *translates*, to the Nizamut Adawlut, *as early as possible*; but always within ten days.
59th.	Punishment to be inflicted by the Magistrate, on the requisition of the Circuit Judge, on persons guilty of contempt of Court in open Court, not exceeding 15 Ratans, or 15 days imprisonment.
60th,	Incapacity, misconduct or profligacy of Law Officers to be reported to the Nizamut Adawlut.
61st.	Futwa of either Law Officers singly, valid.
62d. Exception, Vide C. 1, S. 12, R. 14, 1816.	JAILS. Judges of Circuit to *visit the Jails*, and inspect the state and treatment of prisoners, and issue any necessary orders on those points to the Magistrates.
63d. Vide S. 14, R. 2, 1801 (Dewy.) and S. 8, R. 14, 1816.	Courts of Circuit to report any instances of neglect or misconduct of the Magistrates, or of disobedience of orders of the Courts of Circuit.

When

REGULATION IX.

SECTIONS	
COURTS OF CIRCUIT.	
64th. Rescinded by S. 9, and S. 11, Reg. 25, 1814.	When three Judges present, the opinion of the majority to decide—*when only two present*, Senior Judge to have the casting vote.
65th.	Courts of Circuit to transmit to the Nizamut Adawlut any propositions they may consider calculated for the better Regulation of trials, the administration of Justice, or the Police of the country.
NIZAMUT ADAWLUT.	
66th. Vide S. 13, R. 2, 1801 (Dewany.)	*Nizamut Adawlut* to be held at Calcutta.
67th.	Repealed by Section 2, Regulation 2, 1801.
68th to 71st. Vide S. 6, R. 2, 1801.	*Meetings* of the Court, and appointment of the Register and Law Officers. Oaths to be taken by them.
JURISDICTION.	
72d.	Court to have cognizance of all matters relating to the administration of Criminal Justice and Police.
73d.	Court to exercise the powers vested in them when superintended by the Naib Nazim.
74th.	Sentences to be regulated by the Mahomedan Law, except in cases where any deviation is expressly directed by the Regulations.
FUTWA.	
75th. Expd. Vide S. 5, R. 8, 1799. Extended, Vide S. 2 R. 6, 1802.	Futwas of the Law Officers to be according to the Doctrines of Yusuf and Mahomed: distinctions as to the *mode of committing the Murder* not to be adhered to; but punishment shall be determined

determined by the intention of the Criminal as inferible from the case.

76th. Rescinded by Section 2, Regulation 4, 1797.

TRIAL REFERRED TO NIZT. ADT.

77th. Register of the Court to lay before the Law Officers, three times a week, trials referred to by the Courts of Circuit, who are to revise and give their written opinions on trials, and the Futwa passed; the trial then to be submitted by the Register to the Nizamut Adawlut, who shall pass final Sentence.

SENTENCE OF NIZT. ADT.

78th. Register to transmit without delay a copy of the Sentence to the Court of Circuit, who are to issue a corresponding Warrant to the Magistrate to carry the Sentence into execution, and who is to return the Warrant with an endorsement to the Court of Circuit, or to the Nizamut Adawlut, if capital.

PARDON OR COMMUTATION

79th. Nizamut Adawlut to recommend to Governor General in Council* a pardon, *or Commutation of punishment* of a Prisoner sentenced to death, but who may appear a proper object of mercy.

Extended by S. 2. R. 6, 1796.

Police

* Under Section 2, Regulation 14, 1810, a reference to Government is required only in cases of persons convicted of offences against the State; in all other cases, a pardon, or commutation of Sentence may be granted by Nizamut Adawlut.

1793

REGULATION XXII.

Establishment of Police.

LAND HOLDERS DIVESTED OF CHARGE.

DIVISIONS OF ZILLAHS.

SECTIONS	
2d.	Police to be under exclusive charge of Officers appointed by Government. Land-holders and Farmers to discontinue Police Establishments entertained by them.
3d.	Land-holders, &c. not to be responsible for Robberies, unless it appear they abetted or connived at, or refused to afford assistance to prevent the escape of robbers, in which case liable to prosecution before Court of Circuit, and on conviction, their land to be sold to *make good to the owner the value of the property stolen.*
Vide S. 3, R. 14, 1797.	
4th.	Zillahs to be divided into Police Jurisdictions of 10 coss square, each to be superintended by a Darogah and establishment, centrically stationed.
5th.	Jurisdictions to be named and numbered, not to be changed or limits altered, without the sanction of the Governor General.
6th.	Magistrates to appoint Darogahs, who shall not be removable, but on proof of incapacity or misconduct before the *Governor General in Council*---Security to be given by them to the amount of Rupees 1,000.
Superseded by S.7, R. 17, 1816.	
7th to 9th.	Rescinded by Section 2, Regulation 20, 1817.
10th. Vide C. 2, S.2, R.20, 1817. [In part Rescinded.]	Magistrate to examine on Oath *vagrants and suspected persons*

VAGRANTS, &c.

Vide S. 3 and 8, R. 8, 1818.

sons as to their residence and means of subsistence, and if the Prisoner shall appear to be a person of disorderly or suspected bad livelihood, may detain and employ him on the public roads *till he shall find security*, or employ in creditable service; if he escape before he is released, liable, on re-apprehension, to imprisonment and hard labor for six months.

CONCURRENT JURISDICTION.

11th to 15th.

Rescinded by Section 2, Regulation 20, 1817.

16th. Extended S. 3, R. 16, 1810, and C. 2, S. 12, R. 17, 1816.

[Part Rescinded by Clause 2, Section 2, Regulation 20, 1817.] *Concurrent Jurisdiction* vested in the Zillah and City Magistrates, and Police Officers.

17th to 19th.

Rescinded by Section 2, Regulation 20, 1817.

PROHIBITED BOATS.

20th.

Duties of Darogahs with regard to *Boats* which are prohibited to be built, used or transferred, without written authority from the Magistrate.

1st. Description of Boats prohibited.

2d. Cases in which the Magistrates to seize and confiscate prohibited Boats.

3d. Penalty for proprietors of Land allowing such Boats to be built or repaired in their estates without due authority.

4th. Punishment of artificers building or repairing prohibited Boats.

5th. Magistrates may grant licences, in certain cases, for building the above description of Boats. Rescinded

SECTIONS	REGULATION XXII.
21st.	Rescinded Section 2, Regulation 20, 1817.
22d.	Darogahs *liable to prosecution in Civil and Criminal Courts for corruption, extortion or oppression, or for any unauthorized act.*
23d.	Magistrates to furnish Darogahs with Sunnuds of Office and translates of this Regulation.
24th.	Rules for Police in the three cities.
25th.	Magistrates of the Cities vested with concurrent authority between their respective Jurisdictions and Zillah Magistrates in cases specified in Sections 16 and 17.
26th. Part Rescinded R. 13, 1814.	To divide Cities into Wards, each to be guarded by a Darogah and Establishment.
27th.	Wards to be numbered and named.
28th Ditto.	Rules in Section 6, applicable to Darogahs in Cities.
29th Ditto.	Rules for patroling Cities at night.
30th.	Appointment of Mohulladar and Mohulladarin to each Ward to give information to Darogahs of offenders secreted within their Ward.
31st Ditto.	Description of Persons to be apprehended.
32d Ditto. Part Rescinded S. 2, R. 7, 1811. Vide also C. 1, S. 7, R. 12, 1818.	Persons apprehended by Darogahs *not to be discharged* by them, except in certain specified cases. Magistrates

1793	Sections	Regulation XXII.
Police of Cities.	33d.	Magistrates to proceed with Vagrants, &c. as in Section 10.
	34th. Rescinded S.2, R.13, 1814.	Duties of Darogahs and Cotwals defined; authority restricted.
	35th.	Rules in Section 20, respecting Boats, and in Section 15, respecting letters, extended to City Police Officers.
	36th. Ditto.	Cotwals and Darogahs to be allowed the same rewards as Darogahs of Zillahs.
	37th.	Darogahs of Wards to perform the same duties as prescribed for Zillah Darogahs in Section 19.
	38th. Ditto.	Police Officers of Cities liable to prosecution as in Section 22.
	39th. Ditto.	To be furnished with Sunnuds of Office, and translates of this Regulation.

SECTIONS	
2d.	Rescinding Section 41 to 46, Regulation 9, 1793
3d.	Superseded by Section 2, Regulation 3, 1797.
4th. C. 1st.	Remaining Judge to continue at the Sudder Station for the purposes specified in Section 12.
C. 2d.	Judges to remain at Sudder Station in rotation.
5th.	Stations to which the Courts are to proceed.
6th.	The same Judge and Law Officers not to make two Circuits successively to the same station.
7th. Altered by S. 15 R. 2 1801. (Dewy.) Vide S. 6, R. 3, 1797	Judges not to absent themselves from their Stations without orders from the Nizamut Adawlut, nor omit to go their Circuit, unless prevented by indisposition, of which notice to be sent to Nizamut Adawlut.
8th. Do. do. C. 1st.	Provision against absence or indisposition of one of the Judges, or of a vacancy in one of the seats in the Court.
Ditto ditto. C. 2d.	Also for death or indisposition of a Judge when on Circuit.
9th. Vide S. 6, R. 2, 1804.	Courts in Divisions of Dacca, Patna, and Moorshedabad, to repair to the Sudder Station after completing Jail delivery in the Zillahs, by whom and *when the Jail deliveries* are to be made at the Sudder Stations. Courts not to sit on Sunday.

Courts of Circuit.

ABSENCE OR VACANCY.

Judges

1794	Sections	Regulation VII.
Courts of Circuit.	10th.	Judges to hold monthly Sessions of Jail Delivery in rotation.
	11th.	Jail Delivery of 24 Pergunnahs to be held at the close of each Circuit of the Calcutta Court.
	Vide S. 4 R. 2, 1804.	
	12th.	Rescinded, Section 2, Regulation 1, 1807, (Dewanny.)
	13th.	Provision against absence or indisposition of Judges, or vacancies of one of the Seats of the Court on intervals between the Circuit.
	14th.	In event of absence or Indisposition of Law Officer, Court of Circuit empowered to employ the Mahomedan Law Officer of the Zillah Civil Court, whose Futwa of equal validity.
	Vide S. 2, R. 4, 1823.	

1796 | SECTIONS | REGULATION I.

Trials of the Hill People.

2d. Hill people of Bhaugulpore and Rajmahl not to be tried by Mahomedan Law or Regulations.

3d. Persons charged with crimes to be examined by the Magistrate, who shall discharge the prisoner if there shall be no ground of suspicion against him.

4th. C. 1st. But if grounds of suspicion, the Prisoner to be committed or held to Bail to take his trial before an assembly of *Hill Chiefs* to be convened for that purpose, and the Magistrate to take measures for securing the attendance of Prosecutor and Witnesses.

C. 2, to 4th. Rules for ascertaining the necessary particulars respecting the prisoner's witnesses, and for causing their attendance.

5th. Magistrate to hear and decide on petty Complaints, if he can satisfy the parties, otherwise invariably to commit, if the accused appear deserving of punishment.

6th. Litigious Complaints to be punished.

7th. Assembly to be held twice a year, or as often as may be necessary.

8th. Oath to be administered to the Chiefs.

9th. Assembly to be held in any part of the district of Bhaugulpore, and to be adjourned when the business shall be completed.

To

10th. To be held in presence of the Magistrate, who may suggest questions and is to cause all practicable regularity to be observed in their proceedings; of which examination taken by himself may form a part; but is not to interfere in their deliberations.

11th. Magistrate may confirm Sentences for confinement not exceeding 14 years, and carry the same into execution, or may mitigate punishment, but in such cases to report to Nizamut Adawlut.

12th. To transmit Proceedings to the Nizamut Adawlut, if sentence adjudge capital punishment, mutilation or imprisonment exceeding 14 years.

13th. C. 1st. Nizamut Adawlut to revise proccedings and to confirm or alter the sentence.

C. 2d. Not to adjudge capital punishment unless so sentenced by the assembly.

C. 3d. Mutilation to be commuted to imprisonment for 14 or 7 years.

C. 4th. The will of the heir not to bar capital punishment.

C. 5th. Should the prisoner appear proper object of mercy, pardon or commutation of Sentence *how obtained.*

Rescinded S. 2 R. 14, 1810.

14th. Magistrate to transmit to the Nizamut Adawlut within 10 days record with translates of Trials referrible to that Court.

15th. Register to Nizamut Adawlut to transmit to Magistrate for execution copy of sentence within six days after it shall be passed.

1796	Sections	Regulation I.
Trials of Hill People.	16th.	Magistrate to include Hill Prisoners in report required in Regulation 9, 1793.
	17th.	Where no specific rules exist the magistrate to act according to equity and good conscience.

1796 | SECTIONS.

Apprehension and trial of European British Subjects.

APPREHENSION OF EUROPEAN BRITISH SUBJECTS

EUROPEANS

REGULATION II.

2d. C. 1st. Europeans not being British subjects, amenable to the authority of the Magistrates and Courts of Circuit in common with Natives, but European British subjects amenable only to the Supreme Court of Calcutta for Criminal Offences.

C. 2d. In event of a Criminal charge being preferred on Oath before a Magistrate who shall have taken the Oath of Justice of the Peace against any European British subject, the Magistrate to apprehend the party accused, and if the Evidence be sufficient, shall commit him for trial and issue a Warrant to the Sheriff of Calcutta to receive the prisoner in his custody for trial at the ensuing Sessions; he is likewise to bind over the Prosecutor and Witnesses to appear to prosecute.

C. 3d. Should the Magistrate not have taken the Oath of a Justice of the Peace, he is to make a Summary inquiry into the Circumstances of the Charge; and if there appear sufficient grounds for commitment, shall apprehend and convey the accused under safe *Custody to Calcutta.*

Part modified, vide Sections 2, 3, 4, Regulation 15, 1806. *Two Witnesses* to the facts alledged against the Prisoner are to accompany him to Calcutta, or to be bound over to appear and

Ditto Ditto. give Evidence for his Commitment by the time of his arrival; and the Magistrate to bind over Prosecutor and Witnesses to appear.

Allowance

Sections	
	Regulation II.
3d.	Allowance to be made to Prosecutors and Witnesses in need of pecuniary assistance, as in Section 26, Regulation 9, 1793.
4th.	Period of six months allowed for the Magistrates to take the prescribed Oaths of Justice of the Peace; unless the Nizamut Adawlut in special cases on application may grant extension to 12 Months.
	Regulation VI.
S. 2 to 5th.	Rescinded by Regulation 14th, 1810.
6th.	Dacca Circuit to *commence* on the 1st of January and 1st of July, instead of the periods prescribed by Section 40, Regulation 9, 1793.
Vide C. 2, S. 3, R. 3, 1797.	

1796 | SECTIONS | REGULATION IX.

Witnesses of persons committed to trial by Court of Circuit.

PRISONERS QUESTIONED.

2d. In cases of Commitment, Prisoners to be questioned at the time of being committed or held to bail, as to the witnesses he may wish to have examined in his defence before the Court of Circuit, and a list of such witnesses, or answer of the Prisoner, recorded on Proceedings.

EVIDENCE NAMED

3d. Section 12, of Regulation 9, 1793, to be in full force, and prisoners at any time previous to the arrival of the Court of Circuit may ~~specify~~ name any further evidence in his defence, although he should have omitted to do so at the time of his Commitment.

RETURNS OF NAZIR.

4th. In addition to lists of Witnesses required by Section 14, Regulation 9, 1793, Magistrates to furnish the Courts of Circuit with the original returns of the Nazir and persons deputed to summon Witnesses not in attendance, and to be held in attendance to answer interrogatories, and the Court of Circuit to ascertain that all due measures have been taken to procure the attendance of Witnesses.

5th. Above rules extended to Benares.

2d. C. 1st.

Persons charged on Oath with resisting or causing to be resisted, any Police Officer in the execution of his duty or process of the Magistrate, to be apprehended if practicable; or should the offender abscond, to be proclaimed to appear within a period not less than one month. In event of not appearing, or on appearing, after hearing the evidence in his defence, if the charge shall be proved, judgement *to be passed as follows.*

Expd. and Extd. S. 4, and 5, R. 9, 1801. Vide S. 3, R. 9, 1799, Dewany.

C. 2d. Modified by S. 26, R. 20, 1817.

If a proprietor of land, either Lakharaj or Malgoozaree, *such lands* declared forfeited to Government, and Magistrate to issue a precept to the Collector to hold them in attachment until further notice from the Magistrate, or order of the Governor General.

C. 3d.

If a sudder farmer holding a farm from Government, his lease declared cancelled, and Magistrate to issue a precept to Collector as above.

C. 4.

If offender not of the above description, shall be liable *to a fine to Government* proportioned to his rank and circumstances, and the Magistrate to attach any property for the recovery of the fine. But in cases of inablity to pay a fine, the punishment *(with the concurrence of Nizamut Adawlut)* may be commuted to imprisonment and corporal punishment.

Ditto Ditto. And vide S. 3, R. 9, 1799, (Dewany.)

Modified S. 5, R. 9, 1801.

Judgement

REPORTS TO NIZT. ADWT.

2d. C. 5th.

Exception, ditto do.

Judgment of Court under this Regulation, with copies of Proceedings and translates to be *invariably reported to the* Nizamut Adawlut, and not conclusive till confirmed by that Court.

3d.

Nizamut Adawlut may commute sentence to a fine, imprisonment, or corporal punishment, but in case of confirming the Judgement of the Magistrate for forfeiture of land or lease, to transmit all proceedings to the Governor General in Council, who (if forfeiture be confirmed) will cause the necessary instructions to be sent to Collector through the Board of Revenue; or if Judgment of forfeiture shall be commuted for a fine, on receipt of such information and fine, the Magistrate to issue a precept to the Collector to remove the attachment and render an account to the proprietor of all receipts and disbursements.

EVASION OF PROCESS.

4th. C. 1st.

Modified, C. 2. S. 26, R. 20, 1817.

In event of any person absconding or evading the process of the Magistrate, to be ishtear'd (proclaimed) and required to deliver himself up within a fixed period not less than one Month, and in default thereof, and a return from the Nazir being made to that effect, the Magistrate is to proceed to the attachment of any land or other real property of the absentee *within his jurisdiction.*

If

Sections	Regulation XI.
4th. C. 2d.	If a proprietor of land or sudder farmer, a precept to be issued to the Collector to attach the land or farm, till further notice, and the Collector is to obey the same and to report to the Board of Revenue and to relinquish attachment on the requisition of the Magistrate, and render an account to the proprietor of receipts, and disbursements.
C. 3d. Ditto ditto.	If not a proprietor or head farmer, but in any other way *a renter or tenant of land*, the Collector is to attach and pay from the product any rent that may be due to the proprietor (Zemindar.)
5th.	Attachment to be withdrawn on the attendance of the party.
6th.	Report to be made to the Governor General in Council, should the absentee not appear within Six Months after attachment of lands.

1797 | SECTIONS

REGULATION III.

Court of Circuit and Jail deliveries.

ONE COURT.

2d.

Vide Sec. 7, R. 3, 1798. Modified by S. 8, R. 1, 1806 and S. 3, R. 5, 1814.

The Circuits of the several Divisions to be performed by *one* Circuit Judge instead of *two* Courts, as prescribed by Section 3, Regulation 7, 1794, to be superintended by *the 2d and 3d Judges* alternately, and attended by the Cauzee and Mufty.

3d. C. 1st

C 2d

Rescinded by Section 2, Regulation 2, 1804.

Dacca Circuit to commence 1st January and 1st July.

4th. Superseded by S. 2, R. 2, 1799.

Courts *after completing Circuits*, to proceed to the Jail Deliveries of the Zillah and Cities of Patna, Dacca, Moorshedabad, 24 Pergunnahs and Benares.

SENIOR JUDGE.

5th. Rescinded by S. 8, R. 1, 1806, and re-enacted by virtue of C. 1, S. 3, R. 5, 1814.

Senior Judge of Court of Circuit to *remain at the sudder Station*, to superintend the business of the Courts of Appeal, and in concert with the Judge remaining on the spot to form a Court of Appeal.

VACANCY.

6th.

In case of death, indisposition, or inability of Judge from any other cause to perform the Circuit, or of a vacancy in the Court, notice to be communicated to the Governor General in Council, who will provide for the case as may be advisable.

DIFFERENCE OF OPINION.

7th.

Rescinded by Sec. 14 and S. 9, R. 25, 1814.

In the event of difference of opinion between the two Judges remaining at the sudder Station on decisions which are fixed by Regulation 5, 1793, *Senior Judge to have the Casting Vote* if in confirmation of Zillah decision; otherwise to lay over till arrival of 3d Judge, and majority of votes to decide.

REGULATION IV.

2d. Rescinding Sections 52, 55, 76, of Regulation 9, 1793, and substituting the following rules.

3d. In trials for Murder, after the proceedings are concluded as in Section 47, Regulation 9, 1793, the law officer to declare whether the Prisoner is convicted of the Charge, and subscribe his answer on the proceedings; the Prisoner to be acquitted and released if declared by the Law Officer not guilty; unless the Judge shall disapprove the verdict, in which case the Proceedings shall be referred to the Nizamut Adawlut. If the Law Officer shall declare the Prisoner convicted of wilful Murder (Kutliamid) the Judge *without reference to the heirs of the slain*, shall require the Futwa of the Law Officer, supposing the heirs entitled to kissas. Futwa shall be subscribed on the record of the Proceedings, and whether the Sentence shall declare the Prisoner liable to capital punishment by the Mohamedan law, or not liable, in consequence of the parties standing in relation of parent and child, or other failure of retaliation, the Judge in either case to refer the Proceedings for the Sentence of the Nizamut Adawlut, conformably to Section 47, Regulation 9, 1793. Should the Futwa declare the Prisoner convicted of Homicide, Law Officer to deduce the prescribed

Vide Sec 3, Reg. 4, 1822.

COMMUTATION OF DIYUT.

Vide S. 6, R. 8, 1801.

Vide S. 4, R. 14, 1797. and S. 7, R. 17, 1817.

scribed penalty according to the Mohamedan Law, and if Diyut (or the price of blood) be the whole or part of legal punishment, Court of Circuit to *commute the fine to imprisonment* for such period as it may consider adequate to the offence, and *if for temporary imprisonment*, to be carried into immediate effect; *or if for life, to be referred to the Nizamut Adawlut*, subject to the general provision in Section 53, Regulation 9, 1793.

FUTWA OF LAW OFFICERS OF NIZT. ADWT.

4th.

Rescinded, Vide S. 2, R. 14, 1810.

In what manner the law officers of the Nizamut Adawlut are to deliver their Futwa. Nizamut Adawlut either to require further evidence or pass final Sentence. In cases not provided for, in which Mohamedan Law may appear repugnant to justice, to be adhered to if in favor of Prisoner, and a pardon or mitigation *to be recommended to Government* if against him. At the same time a new Regulation to be proposed as in Regulation 20, 1793, to provide against a recurrence of the case.

CHARGES OF SORCERY.

5th.

Proclamations of 1792 or 1794 respecting charges of Sorcery, enacted into a Regulation.

6th.

Persons convicted of putting to death any person as a Sorcerer, to be held guilty of and punished for Murder, and persons holding or causing to be held an assembly for trial of Witchcraft, to be considered accomplices.

Rules

Courts of Circuit.

EXAMINATIONS OF PARTIES AND THEIR WITNESSES.

7th.	C. 1st.	Rules for examination of parties and witnesses by Magistrate or Circuit Judge.
	C. 2d.	Examinations to be taken in the language preferred by the parties, to be read to and attested by the party, to be certified by the Judge, and a Persian translation annexed.
	C. 3d.	Leading questions suggesting an answer to be avoided, and Witnesses to be cross-examined.
	C. 4th.	What examinations are to specify.
	C. 5th.	In examinations respecting stolen property or instruments of violence, the Prosecutor and Witnesses to be carefully examined as to identity of property.
	C. 6th.	Form of admonition to be read to the Witnesses on swearing them.
	C. 7th.	Courts of Circuit to notice any variations in the evidence of Witnesses taken before them and before the Magistrate. And depositions taken before the Magistrate not to be read, till the Witnesses shall have been examined.
8th. Vide S. 2, R. 4, 1823.		In cases of indisposition of Law Officers of the Court of Circuit, the Law Officer of the Zillah Court to officiate for him.
9th.		Rescinded, Section 2, Regulation 20, 1817.
10th.		Ditto, Section 8, Regulation 53, 1803.

Convicts

Sections	Regulation IV.
GOODNA. 11th. Vide C. 3, S. 12, R. 17, 1817.	Convicts sentenced to imprisonment and for life, to be marked on the forehead by the process *termed Goodna.*
REPORTS OF CIRCUIT JUDGES. 12th. Vide C. 1, S. 12, R. 14, 1816,	Judges after each Circuit to report their observations, &c. on the effect of the system of Police, as well as on the *state of the Jail*, and treatment, and employment, of prisoners; and other matters they may deem deserving the notice of the Court of Nizamut Adawlut; but any new Regulation is to be proposed as prescribed in Regulation 20, 1793.
TRANSMISSION OF CAPITAL TRIALS. 13th. Modified by S. 2, R. 10, of 1799. and S. 17, R. 2, 1801, Dewany.	References under Capital Sentences are to be transmitted to the Nizamut Adawlut prior to all others as far as practicable, and in cases of emergency, Court authorized to employ persons properly qualified to make *translates* required in Section 58, Regulation 9, 1793. Contingent Bill for the same to be transmitted to Government, but the Circuit Judge to examine and attest translations.
14th.	Court of Circuit to be guided by instructions of Nizamut Adawlut respecting transmission of their proceedings.

1797 | SECTIONS

REGULATION V.

Rescinded by Section 2, Regulation 7, 1820.

1797 | SECTIONS | REGULATION XIII.

Assistants to Magistrates.

DUTIES.

2d. Zillah and City Magistrates authorized to employ their assistants in the execution of any part of their duty to which they cannot themselves duly attend.

OATH.

Forms of Oath to be taken by assistants previous to the exercise of judicial power.

JUDICIAL POWERS.

2. Modified S. 20, R. 9, 1807. Assistants sworn as above, authorized to *exercise judicial powers* vested in the Magistrate by Regulation 9, 1793, or other Regulation, as far as necessary to the performance of duties committed to them.

4th. Ditto Ditto. Assistants exercising judicial powers under the Regulation, to be guided by the Regulations enacted for the guidance of the Magistrates, as far as may be applicable to the duties committed to them.

Nizamut

1797 | SECTIONS | REGULATION XIV.

Relief of prisoners sentenced to pecuniary fines, &c.

REVISION OF CASES.

2d.

Nizamut Adawlut empowered to revise the cases of all prisoners sentenced to Diyut, fines and compensations, and to indefinite imprisonment, until they shall fulfil the terms of their Sentences; and to grant such relief as they may think just; also to make inquiry into the claims of individuals on prisoners released, and refer them for decision to Government.

DAMAGES IN CRIMINAL CASES.

3d. C. 1st. (Qy. Vide S. 3, R. 22, 1793.)

No *pecuniary compensation* or damages to individuals to be recoverable in any criminal prosecution; or any fines imposed, except to the use of Government; in all which cases *a definite term of Imprisonment* is to be specified to be held equivalent to the fine imposed.

Vide C. 2, S. 2, R 50, 1803. and S. 19, R. 9, 1807.

Superseded by S 2, R. 7. 1820. } C.2d.

Rule in preceding Clause applicable to fines for the offence of Dhurna.

4th.

Vide S.7, R. 17, 1817.

Court of Circuit empowered to commute Sentences for Diyut and pecuniary fines to imprisonment *for a limited term*, or for life; but if the latter, Sentences *referrible to the Nizamut Adawlut* for confirmation or remission.

5th.

Vide Sec. 10, R. 9, 1807.

Term of imprisonment fixed by the Magistrate under Section 3d as equivalent to fine, *not to exceed periods* specified in Sections 8 and 9 of Regulation 9, 1798.

Rescinding

1797	Sections	
RESTITUTION OF PROPERTY.	6th.	
	7th.	
	Vide S.16,R.20,1817	
REIMBURSEMENT OF COSTS.	8th	
DITTO.		

Regulation XIV:

Rescinding Section 22d, Regulation 9, 1793.

This Regulation not to prohibit the restitution of Stolen Property to the lawful Owners, and Police Officers to be diligent in their endeavours *to recover stolen property*.

Nor to restrict Criminal Courts from adjudging a reimbursement of Costs actually incurred in a prosecution before them by either of the parties, in instances in which they may consider such reimbursement just and equitable.

Regulation XVII.

Rescinded by Regulation 2, 1807.

1798	SECTIONS	REGULATION III.
Annual Vacations of Courts. CIVIL COURTS.	2d. Vide S. 10, Reg. 1, 1806.	Courts of Civil Judicature *to be adjourned* annually during the Dussara and Mohurrum Festivals.
	3d. Dewy.	Sudder Dewanny Adawlut may adjourn that Court or not, as they may think proper.
CIRCUITS POSTPONED.	4th.	The Circuits to be postponed when the fixed periods for their commencement may fall within the periods for the vacations, but after the actual commencement of the Circuit, no Jail delivery to be postponed, or the attendance of any persons dispensed with, on account of the vacation.
	5th.	Superseded, Section 2, Regulation 2, 1799.
	6th. Altered vide S. 4, 7, 8 Reg. 2, 1804. & S. 4 & 6, R. 1, 1806.	*Oraer of succession* of Jail Deliveries of the several Zillahs throughout the Provinces not to be deviated from, without the sanction of the Nizamut Adawlut. Prescribed order of succession.
JAIL DELIVERIES.	7th, Vide S. 2 & 3 Reg. 5 1814.	Jail deliveries to be held *before the 2d or 3d Judges* of the respective Courts alternately. The several provisions in Regulation 3d, 1797, to remain in force, except such parts as may be rescinded, altered or superseded by this Regulation.

Jail

SECTIONS	REGULATION II.
2d. Vide S. 4 and 5, R. 2, 1804, modified by S. 3 R. 5, 1814.	Jail deliveries of the cities of Dacca, Patna and Moorshedabad to be held monthly, instead of half yearly, before *the 2d or 3d Judges* of their respective Courts of Circuit, on such days as may occasion least impediment to the business of the Court of Appeal.
3d.	In event of Circuit Judge not having returned by the period of the commencement of the second Circuit, monthly Jail delivery may be postponed; provision for such a case.
4th.	Above rules extended to Benares, and half yearly reports required by Section 30, Regulation 9, 1793, are to be transmitted by the Magistrates of the four Cities on 20th July and 20th January.
5th.	Rescinded by Section 9, Regulation 53, 1803.
6th. Regarding Sepoys, vide C. 2 S. 10 R. 11 1806, and vide C. 1 S. 9. R 14, 1816 with respect to other Guards.	All Guards or other Officers, having custody of convicts who escape, and who may appear, on the Magistrate's enquiry, guilty of wilful neglect, to be dismissed the Public Service. Should any connivance or further criminality appear against them, *to be committed or held to bail*, according to the circumstances, to take their trial before the Court of Circuit.

MONTHLY.

Jail delivery of Cities, &c.

GUARDS OF PRISONERS ESCAPING.

Executive

1799 | SECTIONS | REGULATION IV.

State Trials.

2d
Vide R 10, 1804.

Executive Government may *convene Courts* for immediate trial of persons charged with Crimes against the State.

3d.

Such Courts to proceed in the ordinary manner, but their Sentences to be reported to the Nizamut Adawlut previous to execution, and to be guided by special orders in cases not provided for by the Regulations.

4th.

Provision against the death or absence of any of the Judges or Law Officers of the Court.

5th.
Vide S. 3, R. 14, 1810

Nizamut Adawlut to report their proceedings and final Sentence for the final orders of the Executive Government.

6th.

Magistrate to assist in expediting the trials, and to report to Government, in the event of any charge of the above nature being preferred before them.

SENTENCE IN WILFUL MURDER.

2d. In every case of wilful murder fully established against a prisoner, Nizamut Adawlut empowered to pass Sentence of Death, although the Futwa of the Law Officers shall declare the prisoner not liable to Kissas on the ground of the relation to which the prisoner may stand to the deceased.

3d. Desire of the party slain to be put to death no justification of wilful Homicide, but Sentence of Death to be passed, unless the prisoner shall appear an object of mercy.

SENTENCE IN WILFUL HOMICIDE.

4th. Sentence of Death to be passed by the Nizamut Adawlut against persons convicted of wilful Homicide, but by the Futwa of the Law Officers declared not liable to death on the ground of their accomplices being exempted from Kissas—And accomplices in wilful murder, although not the principal perpetrators, may be sentenced by the Nizamut Adawlut to suffer Death.

MURDER BY POISON, &c.

5th. Section 75, Regulation 9, 1793, explained to include all cases of wilful murder, either by poison or drowning, and, whatever may be the Futwa of the Law Officers, Sentence of Death to be passed by the Nizamut Adawlut, if the prisoners be convicted.

DRUNKEN.

6th. Rescinded by Section 2, Regulation 7, 1820.

The

1799	SECTIONS	REGULATION X.
Transmission of Trials to Nizamut Adawlut.	3d.	The Judges of Circuit to transmit to the Nizamut Adawlut, as soon as possible after the close of trials referrible to that Court, counterpart of the original record and all proceedings, with a letter stating their opinion on the case. What documents are to be entered on the proceedings.
	8d. Modified, Vide S. 11, Reg. 2, 1801 (Dewy)	*Translator to the Court of Nizamut Adawlut to make without delay*, or (with the sanction of the Court) cause to be made by a competent person, at rates prescribed in Section 5, Regulation 19, 1797, (Dewany) *translations into English of Proceedings on trials so transmitted.*

1801		REGULATION III.
Charges of Perjury prohibited.	2d. Extended and qualified by C. 1, 2 and 4, S. 14, Reg. 17, 1817.	Magistrates not to receive charges of Perjury preferred by parties in civil suits against witnesses, or of subornation of Perjury; and all individuals whose attendance is required in civil suits, exempted from prosecutions of this nature, *unless committed by the Judge* under Section 14, Regulation 4, 1793, (Dewany.)

Any

1801 | SECTIONS

REGULATION VIII.

Modification of Mohamedan Law in cases of Accidental Homicide.

INTENTION OF MURDER.

2d. Any person, convicted of an intention of murder, and, having, in the prosecution of such intent, accidentally killed another person, shall be deemed guilty of murder, and the Futwa of the Law Officers to be taken in the supposition of his having actually perpetrated the murder meditated.

3d. Above rule applicable to all cases of Homicide (Kutl-i-khuta, Kutl-i-kaem-i-mokam-i-khuta) wherein the criminal intention of the party, if carried into execution, would subject him to a Sentence of Death.

4th. The rule in Section 2d applicable to any similar case of maiming or wounding other individual than the person against whom such intent was directed; the Court of Circuit to pass sentence, or refer the trial, as the case may be referrible, or otherwise.

FUTWA.

5th. Nizamut Adawlut in the same manner to take the Futwa of the Law Officers, and pass Sentence.

CRIMINAL INTENT.

6th. Rules, in Section 3, Regulation 4, 1797, respecting commutation of Diyut, or price of blood, to imprisonment, not applicable to cases specified in Sections 2 and 3; but Court of Circuit not to pass sentence of imprisonment in any case of accidental homicide without unlawful or criminal intent.

Summary

SECTIONS	REGULATION IX.
2d. Salt. Rent.	Summary process, authorized from C. 1 to 6, Section 15, Regulation 7, 1799 (Revenue), not applicable to under-tenants employed in the Salt manufacture during the manufacturing season, as described in Section 18, Regulation 29, 1793 (Salt). If rent due cannot be realized by distraint of personal property, as in Regulation 17, 1793, Regulation 55, 1795, or Regulation 7, 1799 (Revenue), claimant to proceed to recovery of it, as prescribed by Section 19, Regulation 29, 1793 (Salt) and Section 20 or 21 of that Regulation.
3d. Commercial. Dewany.	Sections 9, 10, and 12, Regulation 31, 1793 (Commercial), still in force against Weavers and others employed in the Company's Investment; and mode of recovering rents from such summary process in the 6 first Clauses of Section 15, Regulation 7, 1799, not applicable to them while under engagements; but to be liable to the ordinary process when their engagements shall have been fulfilled. Section 12, Regulation 31, 1793, not meant to exempt individuals from confinement in execution of a Decree when they may not be under engagements.
4th.	Rule in Section 2, Regulation 11, 1796, not to restrict the Magistrate from admitting to bail persons charged with resistance of process, unless accompanied with any aggravating crime in addition thereto, provided the bail offered by them shall be deemed sufficient

Punishment without Reference.

sufficient by the Magistrate. Under this provision C. 4, Section 20, Regulation 29, 1793, and C. 4, Section 10, Regulation 31, 1793, will be applicable to Warrants on Charges of Resistance to Process against persons therein described.

6th. Magistrate may inflict punishment *authorized by Section* 8, *Regulation* 9, 1793, in certain cases of Resistance, without the reference required by C. 5, Section 2, Regulation 11, 1796, subject to the general rule contained in Section 17, Regulation 9, 1793, under which Section, on petition being preferred, the Judge of Circuit to *examine the proceedings* of the Judge and report (if necessary) to the Nizamut Adawlut.

Extended by S. 10, R. 9, 1807, & C. 5, S. 26, R. 20, 1817. Vide C. 4, S. 2, R. 50, 1803.

Offence

1802 | SECTIONS | REGULATION VI.

Sacrifices at Saugor, &c.

2d. Offence of destroying Infants by throwing them into the water to be destroyed by Sharks, &c. as practised at Saugur and other places, declared Murder, and punishable with death.

Trials of principals and accomplices convicted, to be referred to the Nizamut Adawlut, who are to pass sentence in conformity to Section 75, Regulation 9, 1793, whatever may be the Futwa of the Law Officer.

3d. In cases where the persons thrown into the water, shall escape death, the Offence to be deemed a high misdemeanour, and punishable by temporary imprisonment to be adjudged by the Court of Circuit.

4th. Magistrate to prevent the practice as far as possible, and proclaim this Regulation.

The

Attendance of Witnesses in the Criminal Courts.

EXPENSES OF RULES.

2d. C. 1st. The rules in Section 6, Regulation 4, 1793, (Dewy.) which relate to procuring the attendance of Witnesses and dispensations from Oath on subscribing a written declaration, are hereby extended to Criminal Courts, but Summons to be served by a Peon of Court or public Officer.

CUSTODY FINES 500 Rs.

C. 2d. Criminal Courts empowered to commit to Custody or Fine (not exceeding 500 Rs.) witnesses not attending, or refusing to give evidence or sign their depositions; but in the first instance to be committed to custody only, and fine to be imposed on persisting in refusal to give evidence, and to be confined in Dewany Jail until fine shall be discharged, or for such period as may be fixed in lieu of the fine, as prescribed by Section 3, Regulation 14, 1797, or until the witness shall consent to give evidence, if the trial is still pending.

POSTPONEMENT OF TRIALS.

C. 3d No trial or decision of any cause, civil or criminal, to be postponed for the evidence of a witness so confined, beyond the period the Court may think proper.

FINES.

C. 4th. All fines under the above Section, to be reported to the Court of Circuit, who, in the event of any petition being preferred, are to examine the proceedings and report to the Nizamut Adawlut, should they deem the fine immoderate, as required by

Section

Attendance of Witnesses in Criminal Courts.

FROM OF OATH. DISPENSATION WITH OATH.

Section 17, Regulation 9, 1793, and Section 5, Regulation 9, 1801, or, if otherwise, are to endorse a written order on the petition.

3d. Magistrate or Judge of Circuit may dispense with the oath of persons of certain rank or caste, on their subscribing the declaration set forth in Section 6, Regulation 4, 1793.

4th. Vakeel of Government exempted from swearing or subscribing a declaration in prosecutions on the part of Government.

5th. *Courts* may administer *whatever form of Oath* may be most binding, according to the religious persuasion of the parties, excepting Oaths of the nature of ordeals.

Vide C. 5, S. 10, R. 8, 1809.

6th. Courts of Justice to be cautious in dispensing with the Oaths of Witnesses under this Regulation.

In

REGULATION LIII.

2d. In cases where the Mohamedan Law leaves the prisoner liable to discretionary punishment, the Futwa to declare such generally, leaving the measure of punishment to be determined by the Judge of Circuit, or by the Court of Nizamut Adawlut.

C. 2d. If the Crime shall have been specifically provided for by any Regulation, Sentence to be passed conformably thereto, should the Prisoner be convicted, either by voluntary confession, evidence of Witnesses, or strong circumstantial evidence; or if the case be referrible to the Nizamut Adawlut, the Judge shall transmit the trial with his opinion thereon.

C. 3d If the Crime be not specifically provided for by any Regulation, but such as would subject the Prisoner to a sentence of Hudd or Kissass by Mohamedan law, if convicted on legal evidence, and the Futwa shall declare the Prisoner liable to discretionary punishment in consequence of the evidence not being such as is required by the Mohamedan law, though sufficient to convict the Prisoner on strong presumptive proof, the Judge shall require a second Futwa, declaring what specific punishment the Prisoner would have been liable to, if convicted upon full legal evidence, and shall pass Sentence according to such second

second Futwa (commuting the punishment if required by any Regulation) or referring (if referrible) to the Nizamut Adawlut.

C. 4th. Similar mode of proceeding in the above case, in the event of penalty being barred by some scrupulous distinction (Shoobah) in Mahomedan law, not affecting the criminality of the offence, and evidently repugnant to the principles of Justice. Second Futwa to be required, supposing such special exception or bar to Hudd, or Kissass, had not existed.

PUNISHMENT IN CASES OF DISCRETIONARY EXTENT BY MOHAMEDAN LAW

C. 5th. Above not to authorize a Sentence of discretionary punishment exceeding, or equal to specific penalty denounced by the Mohamedan law, unless such enhanced or equal punishment for the offence shall have been expressly directed by some Regulation in modification of the Mohamedan law.

BAD CHARACTER.

C. 6th. Nor any punishment to be inflicted on suspicion only, or weak presumption of guilt not amounting to conviction, whatever may be the Futwa of the Law Officer; but *in cases of strong suspicion*, or on proof of notorious bad character, Circuit Judge may direct the Magistrate to detain the Prisoner till he shall give sufficient Security for his future good behaviour and appearance.

Rescinded by S. 2, Regulation 8, 1818.

In

CRIME AND PUNISHMENT OF ROBBERY BY OPEN VIOLENCE

SENTENCE IN SPECIAL CASES NOT PROVIDED FOR.

SECTIONS

C. 7th.

Explained and Extended by C. 2, S. 6 & 7, & C. 2, S. 10, R. 17, 1817, and modified by S. 3, R. 2, 1813.

3d, C. 1st.

Vide S. 3, R. 8, 1808, & C. 3, S. 8, R. 17, 1817.

C. 2d.

C. 3d.

REGULATION LIII.

In cases of conviction and discretionary punishment not specifically provided for by Regulations, or by Mohamedan Law, the Court shall consult the Law Officer, and Prisoner liable to punishment not exceeding 39 *Corahs and 7 years imprisonment.* If the Court shall not consider the punishment adequate to the Crime, to transmit the trial with his Sentiments to Nizamūt Adawlut.

Persons going forth with or without offensive weapons with intent to commit robbery, and shall by force or intimidation rob or attempt to rob, shall be deemed guilty of Robbery, by open Violence (Dukytee) and *liable to the following penalties.*

Punishment not to depend on the value of the property plundered, nor any bar to punishment by Mohamedan law allowed to operate, provided the party convicted be a proper object of punishment.

In all such cases of Robbery by open violence, or murder, or other criminal act done in prosecution of such Robbery whereby the Futwa (the Sentence) shall be discretionary punishment; Judge to proceed as in C. 2, Section 2, and if the Prisoner shall be declared by the Law Officer liable to suffer death, Judge to refer the trial to the Nizamut Adawlut; or if by the Mohamedan law liable to amputation of limb, the Judge is to refer the trial, or commute the punishment and pass sentence as in the following Section.

Leaders

	Sections	Regulation LIII.
ROBBERY WITH MURDER.	4th. C. 1st	Leaders in Gang Robberies ~~by whom~~ in which a Murder may have been committed, or any person being accessary, or any one concerned in such Murder, or in such Robbery either by aiding, hire, council or command, (though not present) shall be *adjudged to suffer death.*
	Vide C. 2, S. 8, R. 17, 1817.	
ROBBERY WITH WOUNDING &c.	C. 2d	Leaders of Gangs or others any way concerned as above in wounding, maiming, burning, or other personal injury (not amounting to Homicide) in prosecution of Robbery, or of setting fire to Houses, shall suffer *imprisonment and transportation for life*, and leaders of Gangs convicted of a repetition of the crime, or (without such repetition) of any heinous degree of Cruelty or aggravated criminality which may appear to the Nizamut Adawlut to render such offenders deserving of capital punishment, shall be liable to a sentence of Death.
	and 39 Corahs vide S. 3 R. 8, 1808. Vide C. 1 S. 2 R. 14, 1811, and R. 9, 1813	
	C. 3d.	Rescinded, Section 2, Regulation 8, 1808.
INTENT TO ROB.	4th.	Persons convicted of going forth with intent to commit Robbery, but apprehended before they shall have committed such robbery, to be sentenced to a *discretionary term of imprisonment* not exceeding Seven years.
	Vide S. 3 and 5 R. 3 1805, and S. 9. R. 8, 1808.	
	C. 5th.	General provisions for mitigation of punishment under the above Clauses in cases of extenuation, or when the example may
	Vide S. 3 R. 8, 1808.	

may appear sufficient for the ends of justice, without extending the punishment to the whole of the Prisoners convicted.

4th. C. 6th.

Vide Sec. 3. Reg. 8. 1808.

Court of Circuit to report to the Nizamut Adawlut the case of any Prisoner who may appear a proper object of mercy.

5th. C. 1st.

Vide C. 1, S. 2 R. 1, 1811.
& C. 7, S. 8, R. 17, 1817.
& R. 12, 1818 C. 2, S. 3.

Preceding Section not applicable to *Larceny or Burglary* (Nuccub Zunnee) *unaccompanied* with aggravating circumstances. The Mohamedan Law with modifications provided, and rules in Section 2 shall govern the Sentences of the Court.

C. 2d.

Rescinded by C. 1, Section 8, Regulation 17, 1817.

6th. C. 1st.

Vide S. 4 R. 8, 1808. & S. 5 R. 1, 1811.

Courts of Circuit to *transmit to the Nizamut Adawlut* all trials, in which the Sentence may be perpetual imprisonment or death, or in which they may disapprove the Futwa given by the Law Officer.

C. 2d.

Judge of Circuit not to pass Sentence of Death, on trials in which they may disapprove the Futwa; but if the Judge concur with the Law Officers, and the punishment be short of Death, to pass Sentence as directed in Section 47, Regulation 9, 1793, and C. 1, Section 15, Regulation 7, 1803, (C. P.); but such sentences not to be deemed final or put in execution until confirmed by the Nizamut Adawlut. Sentences on accomplices as well as principals, whose trials may be referred to the Nizamut Adawlut, also subject to the confirmation and final sentence of that Court; but this restriction not to prevent a final sentence of acquittal or release by a Judge of Circuit.

Circuit

6th. C. 3d.

Vide S. 4 R. 8, 1808.

'Circuit Judges, in referring trials to the Nizamut Adawlut, in which they may consider the Prisoner a proper object of extension, mitigation or remission of punishment, under C. 2, 3 and 5 of Section 4, *are to report with the trial the grounds at large for such opinion.*

7th. C. 1st.

Futwa of the Law Officers of Nizamut Adawlut to be given generally in cases of discretionary punishment.

C. 2d.

Provisions for such cases in C. 2 to 6 in Section 2, declared equally applicable to the Nizamut Adawlut, and the same mode of proceeding to be observed by that Court.

C. 3d.

Authority of Nizamut Adawlut to pass what sentence they may deem adequate (not extending to capital punishment) in trials referred to under C. 7, Section 2, when the crime may not have been specifically provided for by any Regulation, or by Mahomedan Law; the Court at the same time to prepare a Regulation to fix specific punishment of any crime of magnitude that may appear requisite.

C. 4th.

The provisions in Section 3, 4 and 5 to govern the Sentences of Nizamut Adawlut, in cases therein specified.

C. 5th.

Rescinded by Section 16, Regulation 17, 1807.

8th. C. 1st.

Rescinding Section 10, Regulation 4, 1797.

C. 2d.

Rescinded by R. 11, 1811. & Revived by R. 9, 1813.

Transportation beyond Sea restricted to Convicts under Sentence of perpetual imprisonment. In all such Sentences, if the

Courts of Circuit and Nizamut Adawlut.

TRANSPORTATION DISTRICTS.

8th. the Judge of Circuit or Nizamut Adawlut shall deem the Prisoner a proper object of transportation beyond Sea, he shall pass Sentence accordingly.

TRANSPORTATION. BANISHMENT.

C. 3d. In certain cases of imprisonment for life, as well as for a limited term, Court may sentence the Prisoner to Banishment to another Zillah, to be determined by the Nizamut Adawlut.

Extended by S. 3 R. 2, 1807.

C. 4th. Half-yearly reports to be made by the Zillah and City Magistrates to Nizamut Adawlut, of Convicts sentenced under the preceding Section to Transportation or Banishment to another Zillah.

C. 5th. Nizamut Adawlut to issue instructions for conveying to the Jail of the 24 Pergunnahs Prisoners under Sentence of Transportation; also necessary instructions for those under Sentence of Banishment to another Zillah; also competent to order the removal of any Prisoners, although not sentenced to Banishment.

9th. C. 1st. Rescinding Section 5, Regulation 2, 1799, and Section 22, Regulation 8, 1803 (C. P.)

CONVICTS ESCAPING. PUNISHMENT.

Vide S. 5, R. 12, 1818. Convicts escaping from confinement while under Sentence, *to be brought to trial* on re-apprehension, and liable to such further punishment as may be adjudged under this Regulation.

C. 2d. Convicts escaping and returning from Transportation for Life, liable to Death.

10th. Nizamut Adawlut empowered to commute to Banishment Sentences of Transportation passed under Section 10, Regulation 4, 1797.

SECTIONS	REGULATION LIII.
	4, 1797, or Section 5, Regulation 2, 1799, or Section 28, Regulation 9, 1803 (C. P.)
11th, C. 1st.	In cases of Suspicion of *bad Character*, under C. 6, Section 2, *if* the Prisoner shall have remained under confinement for a year, and it shall appear to the Magistrate proper to release the Prisoner on execution of a Mochulka, *to report to the Court of Circuit* at the ensuing Jail delivery.
Vide S. 9, R. 8. 1808.	
Vide C. 2, S. 5, R. 8, 1818.	
C. 2d.	In such cases the Court to examine the Prisoner, and the proceedings on his trial, and direct his release, if they concur with the Magistrate.
C. 3d.	Considerations of Character, and of the nature of Suspicions against the Prisoner, to be attended to in the exercise of this discretionary power.

Rescinding

1804 | SECTIONS | REGULATION II

Court of Circuit Jail Deliveries.

2d. Rescinding C. 1, Section 3, Regulation 3, 1797.

3d. Circuit of Calcutta Division to commence 1st Apl. & 1st Oct.
Moorshedabad ditto 1st Mar. & 1st Sept.
Patna ditto 1st June, & 1st Dec.
Benares ditto 1st Jan. & 1st July.

4th. Rescinded, Vide S. 3, R. 11, 1814. Jail Deliveries, of 24 *Pergunnahs*, and Zillahs of Dacca Julalpore and Moorshedabad, to be *held quarterly* before Judge of Circuit remaining at the Sudder Station, and in what month to be held; at Dacca Julalpore and Moorshedabad, immediately after the City Jail Deliveries prescribed by Section 2, Regulation 2, 1799; but if only one Judge at the station, on such days as to occasion least impediment to the business of Appeals.

5th. Nizamut Adawlut in case of necessity, may order the Senior Judge to hold the quarterly Jail deliveries. Sections 2 & 3, Regulation 2, 1799, intended to extend to Benares.—Also, Law Officers of Zillah Courts to attend in the event of inability of Circuit Law Officers, from indisposition or other cause, as prescribed in Section 8, Regulation 4, 1799.

6th. In event of Circuit falling within Mohurrum or Dussara, Section 4, Regulation 3, 1798, to be considered applicable—General rule in Section 9, Regulation 7, 1794, also in force.

7th. Rescinded by S. 4, R. 1, 1806. Order of Succession for Jail Deliveries for Division of Patna; ditto ditto for *Division of Calcutta.*

8th. Vide also S. 6, R. 1. 1806. Nizamut Adawlut competent, with sanction of Government, to authorize *special deviation*, when necessary or expedient, from the rules prescribed by this Regulation.

Province

2d.

Vide S. 2, R. 13, 1805.

Province of Cuttack to be denominated Zillah Cuttack, and included in Calcutta Circuit, to be formed into *two Divisions*, and a Jail Delivery to be held in each.

3d.

Court of Circuit to be guided in its Proceedings &c. by the Regulations for Criminal Justice, enacted agreeably to Regulation 41, 1793.

4th.

Magistrates to be appointed with same powers as vested in Magistrates in other Provinces.

5th.

Regulations enacted in future for Bengal, Behar and Orissa, to extend to Cuttack, unless especially excepted.

6th.

Vide R. 5, 1818.

Magistrates to have charge of Police, subject to *what Superintendence*. All existing Regulations regarding Police to extend to Cuttack.—This Regulation not to exonerate the Zemindars in Cuttack from the duties and responsibility imposed on them by the terms of their tenures and usages of the Country.

7th.

Magistrates and Court of Circuit not to take cognizance of crimes committed previously to the 14th October, 1803—Sentences between that period and the date of this Regulation.

Governor

1804 | SECTIONS

Martial Law.

REGULATION X.

2d. Governor General in Council in time of war, or during the existence of rebellion, empowered to cause suspension of functions of ordinary Criminal Courts, and to establish Martial Law for the immediate trial of persons owing allegiance to the British Government, who shall be found in arms, or in act of rebellion against the State.

3d. On conviction by Sentence of Court Martial, liable to immediate punishment of Death with forfeiture of Property.

4th. Governor General in Council reserves the power of causing any persons, charged with above offences, to be tried by ordinary Courts, or, by any special Court, under Regulation 4, 1799, or Regulation 20, 1803 (C. P.)

Persons

2d. Persons convicted of Robbery by open violence, and not sentenced to suffer Death, liable, in addition to the penalties prescribed in Clause 3, Section 4, Regulation 53, 1803, to Corporal Punishment, not exceeding 39 Corahs.

3d. Persons convicted of the crime provided for by Clause 4, Section 4, Regulation 53, 1803, in addition to, or in commutation of, the prescribed term of imprisonment, liable to Corporal Punishment, not exceeding 30 Corahs.

4th. Any description of *Police Officers* convicted of Robbery by open violence (and not liable to Death under Clause 1, Section 4, Regulation 53, 1803,) shall be subjected to the *punishment for aggravated criminality* provided in Clauses 2 and 3, of that Regulation: and, if attended with personal injury, setting fire to houses, or other aggravating acts, liable to Death; or if not attended with personal injury, &c. liable to Corporal Punishment, Imprisonment, and Transportation: Offender conniving at, or causing by council, hire or command, perpetration of such Robbery, liable to the same penalties, as if actually present and abetting.

Vide C. 3, S. 8. R. 17, 1817, & C. 2, S. 2, R. 12, 1818.
*This C. rescinded by S. 2 R. 8, 1808.

5th. Police Officers convicted of conniving at or going forth with a Gang, with intent to rob, but apprehended before they shall.

Court of Circuit.

FURTHER PUNISHMENT OF ROBBERY BY OPEN VIOLENCE. POLICE OFFICERS.

shall have committed Robbery, liable to Corporal Punishment and Imprisonment for 14 years. Or, if deserving of more exemplary punishment, Nizamut Adawlut, on the trial being referred, may extend the sentence to Transportation for Life.

6th.

Modified by S. 2. R. 1, 1811.

Explanation contained in Section 5, Regulation 53, 1803, respecting secret theft, &c. applicable to the provisions contained in this Regulation; but Police Officers convicted of connivance at or commission of the offence, liable to extension of punishment for aggravated crime, not exceeding the limitations prescribed in Clause 2, Section 2, and Clause 3, Section 7, Regulation 53, 1803.

7th.

Translations of this Regulation in the Native Languages to be read and proclaimed.

2d. The Districts and Pergunnahs comprized in the Province of Cuttack (with certain exceptions) to be formed into one Zillah instead of two, as by Regulation 4, 1804.

3d. Certain specified Pergunnahs to continue as heretofore within Zillah of Midnapore, but subject to the operation of Regulations for Cuttack.

4th. C. 1st. Rules for appointment of Police Darogahs.

C. 2d. Zemindars, not formally divested of the Charge of the Police, to continue to act as Police Darogahs, under the responsibility stated in Section 6, Regulation 4, 1804, and proprietors of small estates to act as Police Officers, under authority of a Darogah to be appointed.

C. 3d. In cases in which the Zemindars shall have been divested of the Police Kundytes (or Sirdar Paiks) to be nominated to act under control of Darogahs.

C. 4th. Darogahs to receive Salaries to be fixed by Government.

5th. Lands assigned by Government to Sirdar Paiks to be continued to them, who are to conform to legal orders of Darogahs, and liable to forfeit their lands for disobedience or misconduct. But such cases to be previously reported by the Magistrate to the Nizamut Adawlut (vide Regulation 5, 1804, Dewany). Vacancies of inferior Paiks to be supplied by Sirdar, on his becoming

becoming responsible to the Magistrate for their conduct.

6th. Darogahs to form a Register of all Sirdar and other Paiks.

7th. Darogahs (under orders of Magistrate) to ascertain and fix the limits of local authority of all Paiks and inferior Police Officers.

8th. All land-holders, whether Police Officers or not, required to afford every assistance in support of the Police.

9th. Liable to prosecution for connivance at Robbery.

10th. Collectors of Cuttack and Midnapore to form a Register of Lands assigned for the support of Paiks, specifying the quit rent payable to Zemindars.

11th. Foregoing rules not applicable to certain Village Watchmen employed by Land-holders for guarding Crops, &c.

12th. Boards of Commissioners abolished, and their authority discontinued.

13th. C. 3d. All Regulations for the administration of Criminal Justice in Bengal, not repugnant to the above provisions, extended to Cuttack.

C. 2d. Specifying such Hill and Jungle Estates as are exempted from the operation of the Regulations.

Jurisdiction

1805 | SECTIONS | REGULATION XVI.

Court of Circuit.
JURISDICTION EXTENDED OVER CHANDERNAGORE & CHINSURAH.

2d. Jurisdiction of Nizamut Adawlut and Calcutta Court of Circuit to extend over the Settlements of Chandernagore and Chinsurah.

3d. C. 1st. To be guided by the Regulations for the Provinces of Bengal, Behar and Orissa.

C. 2d. Rules prescribed by Regulation for extending punishment beyond degree adjudged by Mohamedan Law, not applicable to crimes committed in above Settlements, previously to the promulgation of this Regulation.

C. 3d. In such cases Nizamut Adawlut to be guided by the Mohamedan Law, except that in trials for Murder, the will of the heir of the slain is not to have operation.

C. 4th. In event of Criminal being an European, or a descendant of an European, to be punished by such Law as was in force at the time the Settlement came into the British possession, if such law be less severe than the punishment prescribed by this Regulation, and by the Mohamedan Law.

4th. What Offences are punishable by the Magistrate and Deputy Magistrate of Chinsurah, &c. without reference to the Court of Circuit, and to what extent.

5th. In what cases the accused to be committed for trial before the Court of Circuit.

6th. Provisions in Sections 5, 6, 7, Regulation 9, 1793, and the whole of Regulation 9, 1796, to be considered general rules for the guidance of Magistrates, &c. in cases referred to in the preceding

Court of Circuit.

JURISDICTION EXTENDED OVER CHANDERNAGORE AND CHINSURAH.

ceding Section. Nizamut Adawlut may authorize necessary modifications or furnish instructions, if not contrary in their nature to the Regulations in force.

7th. Half-yearly Jail delivery to be held by Court of Circuit after completion of Jail delivery of Hooghly.

8th. Proclamation of expected time of arrival of Court of Circuit to be made, and Witnesses of Prisoners summoned.

9th. Calender and Documents on trial to be delivered by Magistrate to Court of Circuit, according to Sections 13 and 14, Regulation 9, 1793.

10th. Sections 15, 16, 17, Regulation 9, 1793, extended to Chandernagore and Chinsurah. Contents of Calendar required by latter Section. Judge of Circuit to report cases of release or punishment on insufficient ground, &c. and to receive Complaints and examine Proceedings, as required by Regulation 9, 1793.

11th. Sections 20 and 21 and 23 to 30, Regulation 9, 1793, extended to Chandernagore &c. except that reports to be according to a form furnished by Nizamut Adawlut.

12th. Above rules applicable to all persons, not British subjects (Natives of the British Dominions in Europe or their descendants): against such persons Magistrate to proceed in Criminal cases as by Regulation 2, 1796.

13th. Persons (not European British Subjects) charged with crimes committed out of the Jurisdiction of Chandernagore or Chinsurah, but apprehended within those limits, to be delivered over for trial to the Magistrate within whose jurisdiction the crime was committed.

1805 | SECTIONS | REGULATION XVIII.

Appointment of Magistrates &c.

ESTABLISHMENT OF POLICE IN THE JUNGLE MEHALS.

2d & 3d. C. 1st — Specifying what Pergunnahs, &c. comprized within the jurisdiction of the Zillah Jungle Mehals, and separated from Beerbhoom, Burdwan and Midnapore.

C. 2d. — Local jurisdiction of Magistrate subject to any alteration Governor General in Council may deem expedient, and power reserved of re-annexing the Mehals to the Zillahs, and of abolishing the Office.

4th. — Magistrate to take the prescribed Oath and to be guided by Regulations, subject to the following provisions.

5th. — Section 2, Regulation 22, 1793, prohibiting landholders from entertaining Police Establishment, not to extend to the Jungle Mehals, nor to extend to any Land-holder whom the Governor General in Council may authorize to entertain Police Establishments.

6th. — Rules for the conduct of Land-holders entrusted with charge of the Police, and power reserved of extending the same authority to any Land-holder when expedient.

7th. C. 1st. — Sunuds of appointment to be granted to the Land-holders entrusted with charge of the Police within their Zemindaries.

C. 2d. — Of which they are not to be deprived but for misconduct reported and proved, as prescribed in Section 10, Regulation 5, 1804, Dewany.

C, 3d. — To entertain such establishment of Paiks, &c. as may be fixed by the Magistrate with the approbation of the Governor General in Council.

List

SECTIONS		REGULATION XVIII.
7th.	C. 4th.	List and statement of allowances of such persons to be furnished to the Magistrate. Vacancies to be filled up by the Land-holders and reported to the Magistrate.
	C. 5th.	All persons employed under a Zemindar, as Police Officers, subject to the orders of the Magistrate and punishable for misconduct.
	C. 6th.	In Zemindaries where Darogahs are appointed, village watchmen &c. subject to their orders and control, as in Section 13, Regulation 9, 1793; and Land-holders to afford assistance in support and maintenance of the Peace.
	C. 7th.	Zemindars to be furnished with Copies of Regulation 22, 1793, for their guidance, and other Regulations that may be enacted for the conduct of Police Darogahs.
	C. 8th.	To send to the nearest Military Guard or Police Darogah, within 24 hours, all persons apprehended under charges of a heinous nature.
Vide S. 15, R. 9. 1807.	C. 9th.	To take *Security* from Prosecutors and Witnesses to appear before the Magistrate as in Section 9, Regulation 22, 1793.
Virtually rescinded by S. 12. R. 20, 1817.	C. 10th. C. 3d.	May take *Razeenamahs* in cases authorized by Section 12, Regulation 22, 1793, if delivered within 24 hours.
	C. 11th.	To apprehend all Choars, Depredators, &c. within the limits of their own estates; also may apprehend, without a written charge, persons described in Section 10, Regulation 22, 1793.

Not

SECTIONS

REGULATION XVIII.

7th. C. 12th. Not to summon the Ryots of another Zemindar.

C. 13th. Police officers of one Zemindar not subject to the orders of another, but expected to co-operate in their exertions, when required, for the apprehension of disturbers of the Peace.

C. 14th. No Zemindar to depute his Police Officers within the limits of another Zemindary, without express application or order of an authorized officer. When assistance is required for the apprehension of plunderers making incursions into, or assembled in a Zemindary, immediate information to be sent to the nearest Military Detachment, or Police Station, and Magistrate's Cutchery.

C. 15th. Zemindars guilty of wilful neglect in the above duties liable to fine or imprisonment; or, (if offence be of a heinous nature,) to forfeiture of Lands: Subordinate Police Officers of Zemindars liable to same Penalties.

C. 16th. If the offence be proved, the Magistrate to transmit his proceedings and judgement for the confirmation of Nizamut Adawlut; or, (in case of confiscation of lands,) for ultimate determination of the Governor General in Council.

C. 17th. Zemindars appearing to have been concerned in the commission of robbery, liable to commitment for trial, and, (on conviction,) to

Establishment of Police in the Jungle Mehals.

to confication and sale of lands, in addition to other legal punishment.

7th. C. 18th. Engagements to be taken from Zemindars to make good the amount value of property stolen &c. within their Estates, and liable to a Civil action, on refusing to make good the amount.

C. 19th. Information and monthly reports to be transmitted by Zemindars to the Magistrate.

C. 20th. Communications to be made in the language in most common use.

C. 21st. In Estates of disqualified proprietors the manager eligible to the charge of the Police, with the sanction of Government, and to receive a Sunnud, &c. under the above engagements.

8th. Half yearly Jail delivery to be held by one of the Judges of the Calcutta Court of Circuit.

9th. Civil Jurisdiction of the Districts comprized in Zillah of Jungle Mehals to continue subject to the Courts of the Zillahs to which they have been hitherto annexed, subject to any alteration the Government may deem expedient.

10th. Governor General in Council reserves the power, by an order of Government, of constituting the Jungle Mehals a distinct Zillah of Civil as well as Criminal Jurisdiction.

Rescinding

1806 | SECTIONS | REGULATION I.

Jail deliveries by the Courts of Circuit.

ORDER OF SESSION.

2d. Rescinding parts of Regulations 3, 5 and 9 of 1793. Zillah of Moorshedabad abolished: Mehals composing it annexed to the Jurisdiction of City Judge and Magistrate, and of the Judge and Magistrate of Zillah Beerbhoom.

3d. Zillah Beerbhoom subject to the Jurisdiction of the Moorshedabad Division of Court of Appeal and Circuit, instead of Calcutta.

4th. Establishing a new order of Succession for Jail deliveries in lieu of that prescribed by Section 6, Regulation 3, 1798, and Section 7, Regulation 2, 1804.

Order of Succession specified.

5th. Establishing the order of succession for Jail Deliveries in the Divisions of Bareilly and Benares.

6th. Powers vested in Nizamut Adawlut by Section 6, Regulation 3, 1798, and Section 8, Regulation 2, 1804, to authorize occasional deviations from the order of succession fixed for Jail Deliveries; discretion also vested in that Court by Section 8 Regulation 2, 1804, to allow any special deviation in the periods for holding the Jail Deliveries, extended to the Jail Deliveries for which this Regulation provides.

POWERS OF NIZ. ADT. TO POSTPONE SESSIONS.

7th. Nizamut Adawlut competent to postpone Session of a Court of Circuit in any district where no Commitments have been made; or, if the number of commitments are inconsiderable,

Jail deliveries by the Courts of Circuit.

PRISONER TRIED IN ANOTHER ZILLAH.

or other cause may render expedient, to expedite the conclusion of a Circuit, may direct the trials to be held in an adjacent Zillah, in which case proceedings and prisoners to be forwarded by the Magistrate, by whom the commitment may have been made, to the Magistrate of the District where the Prisoners are to be tried, who is to perform the duties prescribed py the Regulations in bringing the Prisoners and proceedings before the Court of Circuit and executing all orders of the Court.

Rescinded by Section 3, Regulation 5, 1814.

VACATIONS OF THE COURT.

8th. In absence of Senior Judge on Circuit, the Judge next in rank to exercise the duties of his Station, with the same powers as are vested in the Senior Judge.

9th. Court of Sudder Dewany Adawlut may authorise occasional dispensations with the Rule for periodical vacations of the Courts directed by Section 2, Regulation 3, 1798, and Section 13, Regulation 8, 1805, when in any particular case, from arrear of business or other cause, it may appear expedient.

10th.

Dewy.

Timely

1806 | SECTIONS | REGULATION XI.

Facilitating progress of Troops, &c.

2d. Timely notice to be given to the Collectors and Magistrates by Officers Commanding Troops proceeding through the Country (Company's territories), specifying the supplies which will be required by them, and the expected time of their arrival in the District.

3d. C. 1st. On receipt of such notice Collector to issue orders to Land-holders, &c. for providing supplies required; as well as preparing Boats and Bridges; what further measures to be adopted by Collector for procuring Coolies, &c. the Police Officers to afford any requisite aid.

Rescinded by S. 2, R. 3, 1820.

C. 2d, Supplies how paid for and Commanding Officers to enquire into any Complaints.

4th. C. 1st. Certificates to be granted by Commanding Officers to Land-holders, when Boats or Bridges or other accommodations may have been provided.

C. 2d. Certificate, with an Account of Expences incurred, to be transmitted to Collector by the Land-holder, Collector how to proceed on receipt thereof.

C. 3d. To be transmitted through the precribed channel to Governor General in Council for orders; in the mean time Collector how to pay the amount, or such part as he may consider resonable

Land.

Regulation XI.

Sections		
5th.	C. 1st	Land-holder how to proceed, if he shall have sustained any injury from the march of troops, &c. Commanding Officers to certify his opinion as to the justice and extent of the claim.
	C. 2d	Such certificates of damages to be forwarded to the Collector within 15 days. Collector to enquire, and report to Board of Revenue for the orders of Government.
6th.		On receiving notice mentioned in Section 2, Magistrates to transmit orders to their Police Officers to afford any requisite assistance, and to co-operate with the Officers of the Collector in procuring Supplies, &c. and in adjusting disputes respecting the price of articles furnished.
7th.		Report to be made by Commanding Officer to Commander in Chief, and by the Collector to the Board of Revenue, and by the Magistrate to the Nizamut Adawlut, of any complaints, which shall appear well founded, and such as to require Communication to Government.
8th.		Travellers (Europeans or Natives) at liberty to apply to Police Officers for aid in providing means of prosecuting their journey, or procuring provisions, &c. Police Officers to afford such aid, but not to press persons or cattle of a certain description

Supplies of Troops, &c.

ASSISTANCE TO TRAVELLERS.

tion under pain of dismissal from Office. Persons employed at liberty to return from the first Police station in next Zillah.

Police Officers to be careful that a just price is paid for aid furnished, and authorized to demand the whole or a part in advance, or to withhold assistance.

9th. C. 1st. Rules contained in Sections 68 & 72, Regulation 22, 1795, (Benares) extended to the whole of the territories, as follows.

MILITARY DRESSES PROHIBITED.

C. 2d. Vide C. 2, Sec. 30 R. 20, 1817. No persons permitted to *dress their private Servants* in the manner of Sepahies or Lascars.

C. 3d. Above rule extended to all Natives.

C. 4th. Officers of every description prohibited from clothing their private servants in a Military dress.

C. 5th. Native Officers & Sepahies, excepting Subahdars, Jemadars, and Serangs, not to wear their uniforms when absent from their Corps, except on Public Service.

C. 6th. Military Commanding Officers of Stations and Detachments and Magistrates required to deprive any persons of a Military dress worn contrary to these Orders; unless in the Company's

Supplies of Troops &c.

ESCORT.

9th. Company's Service, in which case to be sent to his Corps with a written Complaint against him. Police Officers to apprehend and send to the Magistrate all persons of the above description.

C. 7th. Persons, to whom escorts are allowed, not to send Sepahies &c. into the villages to procure provisions, or to press men, boats, &c. but application to be made to the Police Officers, for that purpose.

PRIVATE BADGES PROHIBITED.

C. 8th. No persons but Civil or Military Public Officers of Government allowed to distinguish their *Servants with Badges.* Magistrate to apprehend and deprive of his Badge any person wearing such, in opposition to this rule. Police Officers also to apprehend and forward such persons to the Magistrate: any European, not being a public Officer, violating this Regulation, liable to severe displeasure of Government on the representation of the Magistrate.

Vide C. 2, Sec. 30, Reg. 29, 1817.

ESCAPE OF PRISONERS FROM SEPAHIES.

10th. C. 1st. Rules contained in Clauses 5, and 6, Section 14, Regulation 8, 1805, extended to other Provinces as follows.

C. 2d. Provision is made by Section 6 Regulation 2, 1799, for punishment of Guards permitting the escape of convicts under their charge, but any *Sepahie Guards* guilty of such negligence or of connivance

Vide C. 3, S. 9, Reg. 14, 1816.

1806	Sections		Regulation XI.
			vance, to be ~~held~~ tried by Court Martial only, on a charge being preferred in writing.
TRIBUNALS TO WHICH GUARDS OR REPAHIES SUBJECT FOR OFFENCES.		C. 3d.	The same mode of proceeding to be observed on any other offence involving a breach of Military duty, but not applicable to any criminal charge, whether the accused shall belong to a Provincial or a Regular Corps, cognizance of which may appertain to Civil Courts.
	11th.		Copies of translations of this Regulation to be transmitted by Magistrates and Collectors to Police Officers, and Land-holders.
	12th.	C. 1st.	Rule contained in Section 31, Regulation 8, 1805 (C.P.) extended to Bengal, as follows.
		C. 2d.	Regulations to be promulgated by being read in the Cutcherries, and native pleaders to be required to take copies of Regulations relating to administration of Civil Justice.
	Dewany.		
APPLICATIONS FOR MILITARY GUARDS	13th.		Following rules enacted for guidance of Magistrates on applications for guards from the regular corps.
	14th.	C. 1st.	Applications to be made in writing to the Commanding Officers of corps, stating as fully as practicable the nature of service to be performed, and leaving it to the judgement of the Officer to determine the force required.

Officers

1806 | SECTIONS | REGULATION XI.

Applications by Civil Officers for Military Guards.

C. 2d. Officers commanding, to furnish aid required, and responsibility of calling in that aid to rest with the Civil Magistrate. Officers not to exercise any discretion in granting or withholding such aid, but Magistrates to confine their requisition for military force to cases of absolute necessity, and report to Government any applications made by them, with necessary information as to the grounds of their application.

C. 3d. Officers furnishing such Detachments, to transmit immediate reports to the Commander in Chief (Regular Corps.)

15th. C. 1st. Permanent Guards in Ceded and Conquered Provinces to be furnished from the Regular Battalions; rules for application for, &c. and for guidance of Commanding Officers on receipt thereof.

C. 2d. Not to be encreased without the previous sanction of Government.

16th. Rules for applications by Civil Officers for temporary Escorts. Commanding Officer how to proceed thereon.

17th. Civil Officers in Judicial, Revenue and Commercial Departments, to transmit Monthly Statements of Guards employed by them to Government, and the Board of Revenue or Trade, and Boards, to report to Government when the Guards may appear to have been unnecessarily employed.

Above

1806	Sections	Regulation XI.
Application for Military Guards	18th.	Above rules framed chiefly with reference to Ceded and Conquered Provinces, where Regular Corps are established—but not applicable to Bengal Provincial Corps.
	19th.	In the event of necessity for applying for Guards from Regular Corps, above rules to be observed.
	20th.	Above rules not applicable to the Presidency. Applications for guards by Presidency Officers to be made through the Governor General in Council.
		Rescinded by Section 2, Regulation 2, 1811.

SECTIONS

REGULATION XV.

MAGISTRATES WHO ARE JUSTICES OF PEACE.

2d. Magistrates who may have taken Oaths of Justices of Peace on occasion of holding to bail, or of committing to the Calcutta Jail for trial before the Supreme Court any European British subject, to transmit the original depositions with translations in English, to the Clerk of the Crown, also to the Secretary to Government in Judicial Department, for information of Governor General in Council; who, should he deem necessary, will order the prosecution to be conducted by the Law Officers of Government.

MAGISTRATES NOT JUSTICES OF THE PEACE.

3d. European British Subjects being charged before a Magistrate, who shall not have taken the Oaths of Justice of the Peace, with a Criminal Offence not bailable, if there shall appear grounds for subjecting the accused to trial before the Supreme Court, the Magistrate to forward the accused under safe custody to the Justices of the Peace in Calcutta, accompanied by the Witnesses of the Prosecutors; with a letter stating the nature of the case, and a request that the accused my be brought to trial—Also Copies of all Proceedings, &c. to be transmitted to Governme nt, that the Governor General may determine whether the prosecution shall be undertaken by the Law Officers or otherwise.

4th. Above rule supersedes such parts of Section 2, Regulation

REPORT TO NIZAMUT.

tion 2, 1796, as directs that a report &c. of the case, shall be made to the Nizamut Adawlut.

5th. When any person may charge an European British subject before a Magistrate who has not taken the Oaths, with an offence which may be bailable, the Magistrate is to explain to the prosecutor the course he is to pursue by application to the Justices of the Peace at Calcutta or the Grand Jury; the Magistrate is also, after calling on the accused for his reply, to report the case to the Governor General in Council, stating whether, on consideration of circumstances, it would be proper the prosecution should be conducted by the Law Officers of Government, on which the Governor General will pass such Orders as may appear proper.

CHARGES OF BAILABLE OFFENCES.

PROPERTY OF EUROPEANS DYING INTESTATE.

6th. Sections 7, Regulation 5, 1799, modified, and Judges to report to Register of Supreme Court the decease of any person who may die intestate in their jurisdiction, provided no creditor or next akin apply for Letters of Administration, the property is to be retained under charge of the Judge till letters of Administration shall have been obtained by the Register of the Supreme Court, when the property is to be delivered over to his charge, or to the person who may obtain Probate of the Will.

Dewy.

Rescinding

Punishment of Perjury, Subornation of Perjury and Forgery.

2d.

Rescinding Regulation 17, 1797, Section 40, Regulation 7, 1803.

SENTENCE ON CONVICTION.

3d. C. 1st.

Modified & part rescinded, by C. 1st, 2d, 3d, Sec. 9, & C. 1st & 2d Sec. 13, Reg. 17, 1817.
Godna, rescinded C. 1st Sec. 12, Reg. 17, 1817.

Any person convicted before the Court of Circuit by voluntary confession, by the testimony of Witnesses, or strong circumstantial evidence, of wilful Perjury, subornation of Perjury, or Forgery, Judge of the Court, provided he shall concur with the Mohamedan law Officer in the conviction of the Prisoner, and shall consider him a proper object of Corporal and ignominious punishment, shall *sentence Offender as herein directed (specification of Punishment.)*

REFERENCE TO NIZAMUT ADAWLUT.

C. 2d.

If Judge of Circuit differ in opinion with the Law Officer, as to the Conviction of the Prisoner, to suspend Sentence, and transmit his own and the Magistrate's proceedings with his sentiments in a letter, for the Sentence of Nizamut Adawlut.

C. 3d
Vide do. Reg. 17, 1817.

In such cases of reference, the Court of Nizamut Adawlut shall sentence the prisoners to any punishment they deem proper, not exeeeding that specified in Clause 1.

DEFINITION OF CRIME.

4th. C. 1st.
Vide Sec. 3, Reg. 3, 1810.
(Dewy.)

The Crime of wilful Perjury is declared to be that of giving intentionally and wilfully a false deposition on oath, or under a solemn declaration, relative to some judicial proceeding, Civil or Criminal, on a point material to the issue thereof.

C. 2d.

Subornation of Perjury is declared to be the crime of procuring

curing or causing any person to commit the Offence above described.

4th. C. 3d.
Extended by Sec. 10, R. 17, 1817.

The penalties for Forgery stated in Section 3, to include all fraudulent fabrications, or alterations in written or printed deeds of whatever description or counterfeit Seals, also the illicit imitation of any public stamps; and persons procuring or causing such Forgery, liable to the same punishment as the actual perpetrators.

5th.
Modified by C. 2, S. 14, Reg. 17, 1817.

The crime of Perjury, subornation of Perjury or Forgery, *not bailable* without special cause.

6th.
Further provision, vide C.4, S. 14, R. 17 1817.

When the Circuit Judge may be of opinion that any witness giving evidence before him *may have been guilty of wilful Perjury*, or any person of subornation of Perjury or Forgery; he may direct the Magistrate immediately to commit such person for trial, instead of postponing the commitment and trial, till the next Sessions; but no person to be convicted or punished until regularly put upon his trial, and any evidence he may have to offer in his defence shall have been received and duly considered.

Rescinded

2d. Rescinding parts of Section 5, Regulation 9, 1793, Section 4, Regulation 16, 1795, and Section 5, Regulation 6, 1803, respecting the issuing of Warrants, and following rules enacted in lieu thereof.

3d. C. 1st. On any charge of a heinous nature being preferred before the Magistrate, whether expressly declared not bailable, or of so dangerous a tendency as to render the admission of bail improper, a Warrant to be issued for the apprehension of the accused.

C. 2d. Form of Warrant specified.

C. 3d. Form of Warrant to be issued in cases when bail, or security for keeping the peace is to be taken.

C. 4th. Form of bail to be taken for appearance before the Magistrate.

C. 5th. Form of security bond for keeping the peace.

4th. Modified by Sec. 3, R. 3 1812. Attendance and deposition of Complainant not indispensable if sufficient reason be assigned for *non attendance*. A written plaint presented by an authorized agent and sworn to by Oath (or written declaration) of one personally informed of the truth of the plaint, may be admitted—but previous enquiry may be made by the Magistrate, whether there is ground for issuing process

Process on Charges of Criminal Offences

PREVIOUS ENQUIRY MAY BE MADE BY MAGISTRATE.

process against the accused; and no warrant to be issued, but on previous oath or written declaration of complainant, or some credible person—A Magistrate may however issue process to apprehend a person suspected of any heinous crime on report of a police officer, or other credible information.

5th. If a Magistrate see cause to distrust the truth of a complaint made to him and immediate arrest of the party appear unnecessary and objectionable, the Magistrate may postpone issuing a Warrant for apprehension, and cause previous *local enquiry* to be made by *the Police Officers*, or other mode as he may deem proper, to ascertain the truth or falsehood of the allegation. If from the result of the enquiry, the charge shall appear well founded, the Magistrate shall issue his warrant (if the offence be not bailable)—But if the charge appear groundless, or, though well founded, bailable; inthe former case may dismiss the Complaint; or in the latter, direct bail to be taken from the accused, to answer in person, or by Vakeel, as follows.

Modified Sec. 6, R. 7, 1811, & C. 6, S. 2. R. 3, 1812.

6th. C. 1st. On a complaint being preferred in the manner above prescribed

Process on Charges of Criminal Offences.

SUMMONS ON BAILABLE OFFENCES

6th. for any bailable Offence, the Magistrate to issue a Summons to be served by a single chuprassee or peon, or, as prescribed for serving civil process by C. 2, Section 2, Regulation 2, 1806 (Dewy,) or, in the mode directed for serving Warrants against persons employed in the Salt Department, or in the provision of the Company's Investment.

C. 2d. Form and contents of the Summons.

C. 3d. Form to be substituted when Bail is required.

C. 4th. Bail to be taken in pursuance of the above Clause to correspond with the form prescribed by C. 4, Section 3d.

ACCUSED NOT ATTENDING.

7th. If accused shall not attend pursuant to the Summons in preceding Section and Section 13, the Magistrate to issue a Warrant for his apprehension, and if accused abscond, to proceed against him as by Section 4, Regulation 11, 1796, and Section 4, Regulation 3, 1804.

BAIL NOT REQUIRED

8th. In cases of a trivial nature, Bail for personal appearance not to be required in the first instance, but may at any subsequent period of the investigation, if it shall appear necessary. The Officer serving the Summons, merely to demand an acknowledgement of its receipt; and in the absence of the party accused

SUMMONS HOW SERVED

8th. accused, the Summons may be served on the principal person of his household, if willing to receive the same and return an acknowledgement; the Officer serving the Summons may also receive a Razinamah (if the case be of a nature in which private adjustment may be admitted) as a return to process; but, except in trivial cases, no Razinamah to be admitted, without the express sanction of the Magistrate, or any private adjustment admitted in crimes of a heinous nature.

CASES OF HOMICIDE BAILABLE

9th. C 1st, Explaining Section 7, Regulation 9, 1793, and Section 7, Regulation 6, 1803, no species of homicide except murder, is included in the provisions which forbid the admision of bail. If the Charge be for any species of homicide not involving Murder, Magistrate may proceed, either by Warrant or by Summons requiring Bail, as he may deem proper, after enquiry directed by Section 5, Regulation 9, 1793, and Section 5, Regulation 6, 1803, (C. P.) if there shall appear ground for bringing the accused to trial before the Court of Circut for Manslaughter, or culpable homicide, to be held to Bail, but the Magistrate may release the accused, if the homicide shall be already shewn to have been accidental or justifiable, under the Mahomedan law & Regulations.

Principle

1807	SECTIONS	REGULATION IX.
Extension of Principle. BAIL OF ACCESSARIES &c. DISCRETIONARY POWER OF CIRCUIT COURT.	9th. C. 2d. Extended by S. 7, R 14, 1810, and C. 3, S 3, R 6, 1818.	Principle of the above Clause also applicable to persons only incidentally accessary to crimes, without being concerned therein; and in all cases in which Bail may not be prohibited, if the Bail tendered be sufficient to secure the appearance of the party, to be accepted. Also the Court of Circuit competent on a report from the Magistrate, *to admit to Bail* persons charged with Offences *not bailable* under the general provisions of the Regulations; the Court of Circuit may also determine the amount of the Bail when that demanded by the Magistrate may appear excessive.
	10th.	Form of Bail-bond of persons to be tried by Court of Circuit.
	11th.	Rescinding such parts of Section 7, Regulation 22, 1793, and Section 7, Regulation 17, 1795, and Section 7, Regulation 35, 1803, requiring Darogahs to apprehend and send to the Magistrate persons against whom written charges may be preferred, and the following rules enacted.
DAROGHAS.	12th & 13th.	Rescinded by Section 2, Regulation 20, 1817,
	14th. C. 1st.	Virtually Rescinded by C.2d, Section 2, Regulation 20, 1817

A

1807 | SECTIONS

REGULATION IX.

Criminal process by whom served.

UNDUE EXACTIONS

Modified and explained, vide S. 4, R. 7 1811 [C. 2d.
Vide C 1, to 9, S 14, R 26, 1814 (Dewy)

As far as practicable, none but Burkundauzes and public Servants to be *employed in serving processes*, and no diet money or gratuity is to be received by them; any violation of this rule punishable as a Criminal Offence, on conviction before the Magistrate or Court of Circuit; and offender may be compelled either in the Criminal or Civil Court to refund amount received, besides being liable to immediate dismission from Office.

DAILY ALLOWANCE

C. 3d.

Modified by S. 14 R. 26, 1814, (Dewy.)

When Peons or other persons, not in the employ of Government, may be unavoidably employed in serving Summons, the Magistrate *may authorize the demand* of 2 Ans. per day, or 3 if necessary; but not more under any pretence is to be taken, on pain of the penalties above prescribed. The Tullubanah to be paid in the firt instance by the party at whose instance the process may be issued, (unless the charge be of a heinous nature, and the Magistrate deem it proper that the expence should be defrayed by Government) subject to reimbursement from the accused, if the charge be established, under the discretion vested in Criminal Courts by Section 8, Regulation 14, 1797, and Clause 3, Section 39, Regulation 7, 1803.

Rescinded

Extension of Powers of Magistrates, &c.

EXTENDED POWERS OF MAGISTRATES.

15, to 18. Rescinded by Section 2, Regulation 20, 1817.

19th. In addition to powers vested in Magistrates, by Sections 8, and 9, Regulation 9, 1793, and Section 4, Regulation 16, 1795, (Benares) and Sections 8, 9, Regulation 6, 1803, (Cr.) Magistrates are authorized to pass Sentence of imprisonment not exceeding *Six Months* with 30 Ratans, or, in certain cases, with a fine not exceeding 200 Rs. commutable, on default of payment, to a further period of imprisonment not *exceeding Six Months*, in pursuance of Section 3d, Regulation 14, 1797, and Section 31, Regulation 6, 1803, so that Sentence of imprisonment by the Magistrate *shall not exceed one year*.

Extended S. 2, & 3, R. 12, 1818.

Vide S. 3, and 5, R. 6, 1816.

LIMITATION OF POWERS OF ASSISTANTS

20th. Powers vested in Magistrates by the above Section not to extend to Assistants, under Regulation 13, 1797, and Regulation 12, 1803. Assistants *not to exceed the powers* already vested in them, except in cases provided in Section 8, Regulation 9, 1793, and Section 8, Regulation 6, 1803, wherein it may appear proper to impose the fine therein specified in addition to 15 days' imprisonment, with an eventual commutation of the fine to imprisonment for the further period of 15 days, in all being 30 days. Also in petty thefts may sentence Offender to one month's imprisonment, in addition to 30 Ratans; but if the Assistant shall consider the case to require a more

Modified vide S. 7, R. 14, 1816.

Modified and extended by C. 3, S. 2, R. 3, 1821.

REVISION OF PROCEEDINGS OF ASSISTANT BY MAGISTRATE.

more severe punishment than he is empowered to inflict, shall not pass sentence but submit proceedings to the Magistrate, who will either pass sentence under Section 19, or commit the Prisoner for trial.

21st.

Vide S. 7 R. 14 1816

Causes referred by the Magistrate to his Assistant to be recorded on his proceedings with instructions, whether to pass sentence or submit the proceedings for the Magistrate's decision, and the Magistrate, with or without any representation, may revise the proceedings of his Assistant and annul any order passed, and pass a new sentence.

Calenders laid before Circuit Court.

22d.

Calender laid before the Court of Circuit under Section 17, Regulation 9, 1793, and Section 17, Regulation 6, 1803, to include all persons released or punished by Assistants, and, in modification of the rules contained in those Sections, whereby the Court of Circuit are required to report to the Nizamut Adawlut all cases in which they may be of opinion any persons have been released or punished on insufficient grounds; Courts of Circuit are empowered to direct further investigation (if practicable) to be made by the Magistrate when requisite

SECTIONS	REGULATION IX.
Vide C. 5, S. 12, R. 25, 1814.	and the result to be reported by the Magistrate to the *Court of Circuit collectively*, instead of to the Nizamut Adawlut.
23d.	Two or more Judges of Court of Circuit competent to *call on the Magistrate* for all his *proceedings*, or his Assistant's, when it may appear necessary, *on petitions being presented* to them, relative thereto, and *pass such orders* thereon as they may deem proper.
Modified by C. 1st & 2d, S. 3, R. 6, 1818. Vide C. 2, S. 3, R. 4 1820.	
24th.	Nizamut Adawlut also competent to call for *proceedings of Court of Circuit*, or of any Zillah or City Magistrate or Assistant.
Vide S. 17, R. 25, 1814	
25th. C. 1st	Annual report to be submitted by the Magistrates, in the month of January, to the Nizamut Adawlut, either in English or Persian, of all criminal cases depending before the Magistrate or his Assistant, on the 31st December preceding.
C. 2d.	Form of Report.
26th. C. 1st.	Magistrates also to transmit to the Nizamut Adawlut annually, in the month of January, Abstract Statement of Robberies and other crimes committed in the preceding year.
	Form and Contents of Statement.
C. 2d.	Magistrates to require from Darogahs monthly, reports of heinous Crimes committed within their jurisdictions, with other particulars, to enable the Magistrates to furnish above reports.

Rescinded

1807	SECTIONS	REGULATION XII.
Police Ameens. LIST OF VILLAGE WATCHMEN.	2d to 20th.	Rescinded by Section 6, Regulation 6, 1810.
	21st.	Landholders, &c. within three months after promulgation of this Regulation, to transmit to the Magistrate a list of the descriptions of Village Watchmen specified in Section 13, Regulation 22, 1793, maintained by them; specifying their names, occupation, places of residence and allowances; also a similar list to be transmitted by them to the Magistrate in the 1st month of each succeeding year, made up to the last day of the preceding year. Any neglect to furnish such lists, or wilful inaccuracy, punishable by fine not exceeding 200 Rs. proportioned to the circumstances of the party, to be determined by the Magistrate.

Rescinding

SECTIONS	REGULATION VIII.
2d.	Rescinding C. 3, Section 4, Regulation 53, 1803, but to be continued in force with respect to persons convicted of the crime therein specified, if committed antecedent to the promulgation of this Regulation.
3d. Part rescinded by C. 1, S. 2, R. 11, 1811. Revised by R. 9, 1813	All persons convicted of being concerned in robbery by open violence, as defined in Section 3, Regulation 53, 1803, and who are not liable to suffer death under the Regulations in force, to be sentenced to 39 corahs, and to be imprisoned and *transported for life;* unless from any extenuating circumstances the Nizamut Adawlut, under the discretionary authority vested in them by C. 5, Section 4, Regulation 53, 1803, shall deem proper to mitigate the Sentence, or in pursuance of Clause 6, of that Section, the prisoner appear a proper object of mercy or of pardon.
Vide C 3, 4, S. 8, R. 17, 1817.	
4th. Extended Vide C. 4, S. 8, R 17, 1817..	The Court of Circuit in the conviction of persons concerned in robbery by open violence, whether by voluntary confession, the testimony of credible witnesses, or strong circumstantial evidence, after passing the Sentence above directed, are to refer the trial for the final Sentence of the Nizamut Adawlut; and the Sentence of the Court of Circuit shall not be

Sittings of Court of Nizamut Adawlut. CONFIRMATION OF SENTENCE SENTENCE BY ONE JUDGE, BY NIZAMUT ADAWLUT. SINGLE FUTWAS OF LAW OFFICERS

deemed final, or any warrant issued for carrying such Sentence into effect, until confirmed by the Nizamut Adawlut. If the Judge of Circuit shall be of opinion that there are grounds for a mitigation or remission of punishment, to state the same in his letter, which is to accompany the trial, as required by C. 3, Section 6, Regulation 53, 1803.

5th. Such parts of the Regulation as direct that no Sentence of the Nizamut Adawlut shall be valid, unless passed by two Judges of the Court, rescinded.

6th. Two Judges to sit as before, as far as practicable, but if necessary for the dispatch of business on an accumulation of Trials, the Judges *singly may hold separate sittings*, and pass Sentence on Trials; unless such *single Judge should not concur in opinion with the Judge of Circuit* in the conviction of the Prisoner, and in such case the Sentence is to be postponed, until two Judges of the Nizamut Adawlut can sit on the trial.

Vide S. 17, R. 25, 1814. and S. 17, 18, R. 17, 1817.

7th. The Mohamedan Law Officers of the Nizamut Adawlut to continue to deliver a joint Futwa, as far as practicable; but under the circumstances above stated, competent to deliver a

Extension of Punishment for Gang-Robbery.

SINGLE FUTWA

a Futwa singly, under the same restriction, if such Law Officer shall not concur with the Law Officer of the Court of Circuit in the conviction of the Prisoner, in which case a joint Futwa is to be taken.

8th. Rescinded by Section 16, Regulation 17, 1817.

DETENTION OF BAD CHARACTERS FOR SECURITY.

9th. Persons sentenced to temporary imprisonment under Clause 4, Section 4, Regulation 53, 1803, for going forth with intent to commit Gang-Robbery, not to be released without good security; and persons, fromwhom security is required by Clause 6, Section 2, Regulation 53, 1803, or any other Regulation, in the event of their being notorious Robbers or dangerous characters, not to be liberated *without substantial Security* for their future good conduct, to the satisfaction of the Court of Circuit, on report to the Magistrate; unless, from the prisoner's behaviour or other circumstance, there shall be ground to warrant his discharge under Section 11, Regulation 53, 1803.

Vide C. 1 S. 10, R 8, 1818.

10th. A Proclamation, notifying the penalties denounced by the Regulation against Robbery by open violence, to be printed and published throughout the several Zillah Jurisdictions.

Magistrate

SECTIONS	REGULATION IX.
2d.	Magistrate to report to Nizamut Adawlut, cases in which they may be of opinion the ordinary process for apprehending offenders whose notoriety may be established, would be ineffectual, stating the grounds of such opinion, and the amount of the reward proposed to be offered for their apprehension.
3d.	The Nizamut Adawlut will determine, on consideration of the circumstances of the case, whether it be such as to warrant the measures herein prescribed, and are empowered to authorize the offer of *a reward* not exceeding 500 Rupees (unless with the sanction of the Governor General in Council) and to direct the Magistrate *to issue a Proclamation* for the apprehension or appearance of offender.
Modified by S. 2, R. 5, 1822.	
Explained S. 15, 16, R 16, 1810.	
	Form of Proclamation.
4th.	Magistrates to transmit copies of such Proclamation, to adjacent Magistrates, for publication throughout their respective Jurisdictions.
5th.	Should the person proclaimed appear or be apprehended within the time limited in the Proclamation (of 2 Months) he is to be proceeded against, as prescribed by the Regulations in force.

6th.

Modified by S. 2, R. 5, 1822.

If he shall appear or be apprehended at any time after the expiration of the period limited, to be proceeded against as follows:

7th.

Modified by S. 2, R. 5, 1822.

Magistrate to take such evidence and hold such proceedings as he may deem necessary, for the purpose of identifying the person of the Prisoner, and having established his identity, shall afford to the Prisoner an opportunity of offering any plea he may deem proper, why the sentence of transportation for life specified in the proclamation should not be pronounced against him without trial, recording the names of any witnesses mentioned by the Prisoner in support of his allegation : the Prisoner is then to be committed to jail, and his witnesses, together with the witnesses to identify his person, also to the due publication of the proclamation, with the return made to it and to the time and manner of the Prisoner's apprehension, to be in attendance at the ensuing sessions, and the whole of the proceedings of the Magistrate in the case to be laid before the Court of Circuit.

8th.

Modified by S. 2, R. 5, 1822.

The Judge of Circuit shall re-examine the several witnesses, and hear again the Prisoner's defence, and if he shall be

 satisfied

satisfied that the Prisoner has not incurred the penalty of the proclamation, he shall suspend passing sentence. On the contrary, if the Judge shall be satisfied of the identity of the Prisoner, and of his contumacy in not appearing before the Magistrate, he shall adjudge the Prisoner to be imprisoned and transported for life, forwarding the whole of the proceedings in either case to the Nizamut Adawlut, who will pass their final orders on the case.

9th. Nizamut Adawlut empowered, when they shall see proper, to mitigate the sentence passed on a Prisoner under this Regulation.

10th. Modified by S. 2, R. 5, 1822. Conviction under this Regulation not to exempt a person from being brought to trial under any specific charge, which might render him liable upon conviction to an equal or heavier punishment under the general Regulations, either by the Magistrate, or under the directions of the Court of Circuit or Nizamut Adawlut, when they shall see grounds on the proceedings.

All

1808 | SECTIONS | REGULATION IX.

Apprehension of Sirdars of Gang Robbers.

ASSISTANCE REQUIRED.

11th. All persons of whatever description required to afford every practicable assistance in the apprehension, of proclaimed offenders, both during or subsequently to the expiration of the period specified in the proclamation, and any person who shall wound or slay any such offender in the attempt to apprehend him, shall be held entirely guiltless with respect to the act.

INFORMATION TO BE GIVEN.

12th. All landholders, &c. required to communicate to the Police Officers, or to the Magistrates, either publicly or secretly, any information they may obtain respecting the resort of any proclaimed criminal; and the Magistrates enjoined not to divulge information secretly communicated, which might eventually affect the personal security of the informant.

PENALTY FOR NEGLECT

13th. Any person of the above description neglecting to give such information shall on proof thereof be liable to be sentenced by the Magistrate to fine and imprisonment, not exceeding the limitation prescribed by Section 19, Regulation 9, 1807.

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Apprehension of Sirdars of Gang Robbers.

OFFENDERS NOT PROPRIETORS OF LAND — CONFISCATION OF ESTATES FOR CONNIVANCE &c.

14th.

If any person of the description above alluded to, shall be guilty in any manner of harbouring or assisting such proclaimed persons, on proof thereof before the Magistrate in addition to the punishment above specified, the Magistrate shall adjudge his estate or farm forfeited to Government, but his proceedings to be submitted for the confirmation of the Nizamut Adawlut, who, in the event of confirming the sentence of the Magistrate, shall report the *case to the Governor General in Council* with their opinion, whether the forfeiture should be inforced, remitted, or commuted for a fine.

Vide R. 14, 1810.

15th.

Persons, not being land proprietors, or sudder farmers, guilty of the said offence, liable to such further fine and imprisonment, as the Magistrate may deem proportionate to his offence, but the proceedings to be previously submitted to the Nizamut Adawlut; if the Offender be an officer of Government, the Nizamut Adawlut will determine whether he should not also be dismissed from his office.

16th.

A Register to be kept by the Magistrate of

Form of Register.

of all proclaimed persons under this Regulation.

Form of Register.

17th.
Vide C. 1. 2 S. 9 R. 3 1812.

Copy of the foregoing Register to be transmitted duly revised on the 1st of each Month to the Nizamut Adawlut, and a transcript to be suspended in the Cutchery of the Magistrate for public information.

SECTIONS	REGULATION X.
2d.	A covenanted servant of the Company to be appointed Justice of the Peace of Calcutta, with the Office of *Magistrate of the 24 Pergunnahs* and Superintendent of Police.
Rescinded by Sec. 3, R. 14, 1811.	
3d.	To be guided by the Law in force in executing the duties of Justice of the Peace.
4th.	Virtually rescinded by Section 3, Regulation 14, 1811.
5th.	In capacity of Superintendent of Police to possess concurrent jurisdiction, with the several Zillah and City Magistrates in *the Divisions* of Calcutta, Dacca and Moorshedabad.
Extended Sec. 2 R. 8, 1810.	
6th.	Superintendent of Police may execute his Warrants and other processes, either by means of his own Officers, or through the local authorities—the Zillah Magistrates and their subordinate Officers required to aid and to support the Officers of the Superintendent of Police in the execution of any Warrant or other process issued under his seal and signature, *and resistance to such process* punishable as provided by the Regulations for resistance to the process of Zillah and City Magistrates.
Vide C. 4, Sec. 4, R. 20, 1817.	

Superintendent

7th. Superintendent of Police authorized to correspond, publicly or secretly, with the Officers of Government, in any Department, upon subjects connected with the discharge of the duty committed to him, and public officers required to furnish the Superintendent with any information they may possess on such subjects, as well as to co-operate and afford him every assistance in their power.

8th. The Superintendent of Police to communicate with the Governor General in Council, through the Secretary to Government in the Judicial Department, in all matters connected with his Office; and shall act under such instructions as may be transmitted to him by order of Government.

9th. He shall also be considered under the general authority of the Nizamut Adawlut, in all matters relative to Police, and on any point not expressly provided for by the Regulations or the orders of Government, and shall be guided by the instructions of that Court.

10th. Rescinding Section 22, Regulation 2, 1802, relative to the Commission payable to the Magistrates of Calcutta and of the 24 Pergunnahs.

Support

SECTIONS	REGULATION III.
2d. C. 1st. Vide S. 2, R. 20, 1810.	Support of the Police and maintenance of the peace within the limits of *Military Cantonments* vested in the Officer commanding, who is to adopt measures for the prevention of Crimes, such as Thefts, Robberies, and Murders within such limits; and for the discovery and apprehension of persons who may be guilty of such acts.
C. 2d. Modified by S. 15, 16, 17, R. 20, 1810.	But Commanding Officer or his agents *not authorized to interfere* in cases of inferior magnitude, as affrays, assaults, &c. unless the persons be apprehended in the actual commission of such acts.
C. 3d	Any person apprehended under the preceding rules to be delivered over, with all practicable expedition, to the Magistrate of the District, who will proceed against the accused as directed by the Regulations.
3d. C. 1st.	Any person aggrieved at liberty to prefer his complaint against any individual residing within the Cantonments or Military Bazars, to the Magistrate.
C. 2d.	On such charge being preferred, the Magistrates are empowered to *issue their Warrants or Summons* against any person

Modified by S. 19, R. 20, 1810.

person residing within the Cantonments, and the Commanding Officers are required to afford every protection to the Officers of the Judge, Magistrate, and Justice of the Peace, in the discharge of the duty entrusted to them, whether any special application shall have been made to them for aid and support, or otherwise.

4th.

Vide S. 5, R. 20, 1810.

On receipt of this Regulation, *limits of Cantonments and Military Bazars* to be fixed by Commanding Officers in concert with the Magistrates, and a report to be made by Commanding Officer of the limits so fixed, to the Governor General in Council.

5th.

Above rules applicable to all Cantonments where there may not be less than half a Battalion quartered, whether such Cantonments be situated at the place of residence of the Judge and Magistrate or otherwise.

On

SECTIONS

REGULATION V. *

2d. C. 1st.

Explained & extended by R. 8, 1813.

On a charge being preferred on oath or on solemn declaration in the manner required by Section 4, Regulation 9, 1807, against any *native subject of the British Government* found in the British provinces, for any heinous crime committed without those Provinces, the Magistrate to apprehend or summon the party as provided by the above Regulation, and shall make such enquiry into the case as the Evidence attainable may admit of, after which to report his proceedings to the Governor General in Council.

C. 2d.

The Prisoner to be committed or held to Bail as may be proper. What the Order of Commitment or Bail is to specify.

3d.

Governor General in Council competent to direct such persons to be brought to trial before any of the established Criminal Courts.

4th.

Such trials to be conducted and sentence passed in conformity with the general Regulations for the trial of offences in ordinary cases.

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* Amended by Section 2, Regulation 1, 1822, and Section 2, Regulation 9, 1822.

Governor

SECTIONS

REGULATION I.

2d. Governor General in Council may dispense with attendance and Futwa of Law Officers of the Courts of Circuit upon Criminal trials, by an order communicated through the Secretary to Government in the Judicial Department.

3d. In such cases no Sentence to be passed by the Judge of Circuit, but proceedings on the trials to be transmitted with the opinion of the Judge on the evidence and facts established, for the Sentence of the Nizamut Adawlut.

4th. Any question of Mohamedan law arising on such trials to be recorded on the proceedings, for the information and decision of the Nizamut Adawlut; but if the question refer to the competency of a witness, such witness shall be examined, leaving the admission or rejection of the testimony to the consideration of the Nizamut Adawlut.

1810 | SECTIONS

Penalties for harbouring Robbers or neglect to give information.

NEGLECT TO GIVE INFORMATION.

REGULATION VI.

2d. All descriptions of landholders, farmers or their local agents, or officers employed in the collection of the revenues, accountable for the communication to the Magistrate, publicly or secretly, of any intelligence they may obtain respecting the resort of any description of Robbers within the limits of their respective estates or farms.

3d. If the Magistrate shall have ground to believe any person shall have neglected to give due information to the Police of the resort of any Robber within his estate, &c. shall call on him to answer the charge; and if, on enquiry, such neglect shall be proved, to sentence the offender to pay such fine to Government, and suffer such period of imprisonment, as may be proportioned to the offence, not exceeding the limitation prescribed in Section 19, Regulation 9, 1807.

4th. If the Magistrate shall have ground to suspect any person of harbouring, or in any manner of aiding, any Robber within his estate, or assisting him to illude the pursuit of Justice, or of receiving any property from him; to call upon such person for his

reply

Penalties for harbouring Robbers, or for neglect to give information.

HARBOURING ROBBERS OR AIDING.

OFFENDERS IF NOT LAND-HOLDERS.

reply; and if the offence shall appear proved, in addition to the penalties above prescribed, to adjudge the estate or farm of such person forfeited to Government; but previously to carrying such Sentence into effect, to submit his proceedings to the Nizamut Adawlut, who, if they confirm the judgement, will *report the case to the Governor General in Council* with their opinion, whether the forfeiture should be enforced, remitted or commuted to fine.

Vide R. 14, 1816.

5th. Should the offender not be a land-holder or sudder farmer, the Magistrate shall sentence him to such further fine, or imprisonment, in addition to the punishment noticed in Section 3, as may be proportioned to the offence. But previous to carrying such judgement into effect, proceedings to be submitted to the Nizamut Adawlut, who will finally confirm, amend or rescind the decision.—If the offender shall be an Officer of Government, the Nizamut Adawlut shall order him to be dismissed his office, and shall further report to Government whether it be expedient that the offender be declared incapable of again serving Government in any public capacity.

6th. Rescinding such parts of Regulations 12 and 14, 1807, as relate to the appointment of Police Aumeens.

2d. Jurisdiction of the present Superintendent of Police extended to the Division of Patna.

3d. Separate Superintendent of Police to be appointed for the Divisions of Benares and Barreilly; his jurisdiction invested with the same powers and authority as contained in Regulation 10, 1808. Rules by which he is to be guided.

4th. Superintendents to proceed occasionally into the Zillahs and Cities of their respective jurisdictions.

5th. To keep themselves informed by every practicable means of enquiry of the state of the Police of the Zillahs and Cities within their respective jurisdictions, and to submit to Government any information respecting the prevalence of public offences in any of those Zillahs; or any points appearing to require the interposition of Government.

6th. The Magistrates and Provincial Courts to afford every aid to the Superintendents of Police and officers in the discharge of their duties, consistent with the principles of justice and the general Regulations.

Rescinding

Powers of Nizamut Adawlut to pardon or to mitigate Punishment.

2d. Rescinding Regulation 6, 1796, C. 5, Sec. 13, Regulation 1, 1796, Sections 19, 20, 21, Regulation 8, 1803 (C. P.) and all other provisions in the Regulations (with exception of persons charged with crimes against the State) which require a reference from the Nizamut Adawlut to the Governor General in Council, for the purpose of obtaining a pardon, or mitigation of punishment to criminals.

3d. Vide C. 1 & 2, S. 8, R. 17, 1817, & C. 5, S. 2, R. 11, 1814.

Nizamut Adawlut may grant remission or mitigation of punishment in all cases where they may deem the Futwa of the Law Officers, or Sentence of assembly of Hill Chiefs, held under Regulation 1, 1796, unduly severe, and are to communicate such remission or mitigation of punishment to the Court of Circuit, or to the Magistrate of Bhaugulpore, to be made known to the Prisoner; but with regard to persons *charged with crimes against the State*, the proceedings with the sentence to be submitted for the orders of Government. The ground of remission or mitigation to be specified in the proceedings of the Court.

Vide C. 1, S. 10, R. 14 1816.

4th. Powers vested in Nizamut Adawlut by the preceding Section applicable to cases of revised sentences of Court of Circuit, and Magistrate and Assistants in pursuance of Section 24, Regulation 9, 1807.

1810 | SECTIONS

Powers of Nizamut Adawlut to pardon or mitigate punishment.

CONDITIONAL OFFERS OF PARDON.

REGULATION XIV.

1807. Also to cases wherein the Nizamut Adawlut may see reason to revise a Sentence passed by that Court; but this discretion not to be exercised without strong grounds to be recorded at large upon the proceedings.

5th. C. 1st. In cases of the commission of crimes of a heinous nature, the Nizamut Adawlut may authorize the offer of a conditional pardon to persons concerned therein, and on the fufilment of the condition, shall confirm the pardon by a *written certificate* under the Seal of the Court, to be delivered to the party.

Vide C. 1, S. 9, R. 1, 1811.

C. 2d. Magistrates and Judges of Court of Circuit to report to the Nizamut Adawlut instances in which they may consider it expedient to make a conditional offer of pardon for the discovery of the perpetrators of heinous crimes, with all possible information regarding the privity or degree of criminality of the persons for whom the pardon is proposed.

C. 3d. Police Darogahs and other native Officers *not to encourage* confessions or discoveries by persons apprehended on criminal charges, in expectation of obtaining pardon or mitigation of punishment

Vide, C. 2, S. 19, R. 20, 1817.

Powers of Nizamut Adawlut to pardon or mitigate punishment.

PROHIBITION.

punishment thereby; and the Magistrates not to hold out encouragement of this nature without the previous sanction of the Nizamut Adawlut, except in cases of an atrocious nature and most urgent necessity, which may not admit of such previous reference without endangering the escape of the principal.

GOVR. GEN. IN COUNCIL.

6th. Power reserved to Governor General in Council to pardon any person charged with, or convicted of a criminal offence. A letter from the Secretary to Government in the Judicial Department to local authorities sufficient voucher of such pardon.

PRISONERS BAILABLE BY COURT OF CIRCUIT.

7th. Judges of Courts of Circuit may admit to bail, or direct the Magistrates to admit to Bail, any prisoners whose trial may be referrible to Nizamut Adawlut, in consequence of Judge of Circuit not concurring with the Law Officer in the Futwa for the conviction of the Prisoner. If the Prisoner cannot find bail, the Judge of Circuit to transmit the proceedings with the least possible delay, with a letter stating the ground on which he may not concur in the Futwa of the Law Officer; and the Law Officers of the Nizamut Adawlut to declare their Futwa for the early sentence or order of the Court.

1810 | SECTIONS | REGULATION XVI.

Appointment of Magistrates and of Joint and Assistant Magistrates.

MAGISTRATES.

2d. C. 1st. Sections 2, and 3, Regulation 9, 1793, and Sections 2 and 3 Regulation 16, 1795, and Sections 2 and 3 Reg. 6, 1803 modified.

C. 2d. Governor General in Council may appoint any person, not being the Civil Judge, to hold the Office of Magistrate of any Zillah or City, and may direct whether the Judge of the Civil Court shall exercise concurrent authority or not as Joint Magistrate.

SUPDTS. OF POLICE.

C. 3d. Above provision applicable to the *Superintendents of Police*, whenever the Governor General in Council may deem it advisable to invest either of those Officers with the Office of Magistrate in any Zillah or City, or part thereof.

Modified by C. 1, S. 12, R. 17, 1810.

3d. In extension of the provision contained in Sec. 16, Regulation 22, 1793, and Section 15, Regulation 17, 1795, and Section 16, Regulation 35, 1803, the Governor General in Council may vest the Magistrate of any Zillah or City with a general concurrent authority as joint Magistrate in any contiguous jurisdiction.

OATH OF ASST. MAGISTRATE.

4th. Rules for the appointment of an Assistant Magistrate, when necessary, for the purpose of Police or discharge of business in any Zillah or City.

5th. Oaths to be taken by Assistant Magistrate before any Court or Officer commissioned to administer it.

Persons

1810 | SECTIONS | REGULATION XVI.

Appointment of Joint and Assistant Magistrates.

6th. Persons appointed to the Office of Magistrate or of Joint or Assistant Magistrate under the foregoing Sections, to be guided by the Regulations in force in the discharge of their respective duties; and for the due execution of which, the Joint or Assistant Magistrates are invested with the same powers as Zillah or City Magistrates.

SPECIAL DUTIES.

7th. Special duties of Joint or Assistant Magistrates to be determined by the orders of Government on their appointments; but, in all matters relating to practice and form, and on all points not specifically provided for by the Regulations, to be guided by the instructions of the Nizamut Adawlut.

PROCESS.

8th. *Process of Joint and Assistant Magistrates* under what Seal and in what manner issued—Aid and support to be given by the Zillah and City Magistrates and their Officers in the execution of such process, and resistance punishable as to resistance of process of Zillah or City Magistrates.

Vide Sec. 24, R. 20, 1817

9th. Assistant Magistrates to be subordinate to Zillah and City Magistrates in the general discharge of their duty, as far as may be consistent with the provisions of this Regulation. In cases of difference of opinion, the Assistant Magistrate to conform until

Appointment of Joint and Assistant Magistrates.

POLICE ESTABLISHMENTS.

until a reference can be made to the Court of Circuit, Nizamut Adawlut or Governor General in Council; but no appeal to lie to the Zillah or City Magistrates from the Sentences of Assistant Magistrates, whether for punishment or acquittal, or orders for commitment, or bail of persons to be brought to trial.

10th. Assistant Magistrates to correspond and transmit all statements through the Magistrates, unless in cases requiring dispatch, and when they may not be stationed at the same place with the Magistrate.

11th. The Police, and other Native Establishments of a Zillah, to continue under the usual controul of the Zillah or City Magistrate and when not placed under the immediate authority of a Joint or Assistant Magistrate; but to *obey all orders* of such Joint or Assistant Magistrates, and furnish all information required from them. Neglect or failure thereof to subject the offender to fine, suspension or dismissal from office, under the authority, or at the representation of such Joint or Assistant Magistrate, according to the Regulations in force: the Governor General in Council reserves the power of placing any part of the police, or, other public, establishments under the immediate control of a Joint or Assistant

Vide C. 4, S. 4, R. 20, 1817.

Vide S. 6, R. 17, 1816

Rewards for Apprehension of Offenders.

Assistant Magistrate, subject to the Rules prescribed by Sections 5, 6, 7, and 9, Regulation 8, 1809.

12th. Vide S. 6, R. 17 1816, & S. 11, & 12, R. 17, 1816.

Provisions in the preceding Section applicable to any public Establishments which the Governor General in Council may deem it expedient *to place under the control* of the Superintendents of Police.

13th.

Section 24, Regulation 9, 1793, Section 4, Regulation 16, 1795 (B.) Section 23, Regulation 6, 1803, (C. P.) rescinded.

41th.

Such parts of Section 8, Regulation 22, 1793, and Section 17, Regulation 17, 1795, and Section 18, Regulation 35, 1803, and Section 13, Regulation 14, 1807, and other Regulations in force, authorizing payment of a reward of 10 Rupees to Police Officers for the apprehension of any robber or thief afterwards convicted, rescinded.

15th. Modified by C. 15, S. 26, R. 20, 1817.

Rewards for apprehension of proclaimed offenders, payable in pursuance of Section 3, Regulation 9, 1808, to be paid upon delivery of the proclaimed person into the custody of the Magistrate, or any Police Darogah within the jurisdiction *from which the Proclamation issued*, or to the same Officers in any other jurisdiction.

16th.

In cases of Gang Robbery, Murder or other heinous crime, when the offenders may not be known, and therefore cannot be proceeded against by proclamation under Section 3, Regulation

Rewards for Apprehension and discovery of Offenders

DISCRETIONARY POWER OF COURTS OF CIRCUIT.

9, 1808, Magistrate may recommend to the Court of Circuit the offer of a reward for the discovery of the offenders, and Court of Circuit may authorize such offer, not exceeding Rupees 100 for a Sirdar, and 20 for each inferior offender, who may be discovered and apprehended in consequence. If the Court of Circuit deem a larger reward proper, to forward the Magistrate's report, with their sentiments, to the Nizamut Adawlut, and the Nizamut Adawlut may authorize a reward, not exceeding Rupees 500 for a Sirdar, and Rs. 100 for each offender; or if those rewards should appear insufficient, the Nizamut Adawlut to report the same for the orders of Government.

17th. Reward sanctioned under the preceding Section payable on conviction of the offender or offenders before the Court of Circuit, or, although not convicted, if, from proof of notorious bad character on the whole of the evidence, the Judge of Circuit should deem the information given against the Prisoner well founded, may order payment, in whole or in part, of the reward. The Court of Circuit may also withhold payment, of the whole or any part, of the reward, although the persons informed against be convicted, should it appear that improper means have been taken with a view to their conviction.

Authority

1810

Meritorious Service.

POLICE OFFICERS.

SECTIONS

18th.

Extended, Vide Sec. 15, R. 17, 1816.

REGULATION XVI.

Authority vested in Courts of Circuit to direct a *remuneration for meritorious service by Police Officers or others* in the discovery or apprehension of public offenders, when no specific reward may be payable to them; also in the Nizamut Adawlut, subject to the limitations of amount and rule for ultimate reference to Government prescribed in Section 16th.

Certain

1810 | SECTIONS | REGULATION XX.

Military Bazars and Cantonments.

PERSONS SUBJECT TO COURT MARTIAL.

2d. Certain descriptions of persons serving with the Army, and receiving public pay, subject to trial by Court Martial for breach of duty, or offences against good order or local Regulations in the Cantonments or Stations to which they are attached.

3d. Limitation of punishment awarded by Courts Martial in such cases.

4th. Menial Servants of Officers, though not receiving public pay, liable to trial by Court Martial for breaches of local Regulations established in Cantonments or Stations.

5th. Limits of Cantonments and Garrisons how to be defined and established.

6th. Plans where to be deposited.

REGISTRY OF PERSONS.

7th. The names of certain persons residing within the limits of Cantonments, &c. to be registered in the Office of the Brigade Major or other Officer.

8th. Rules regarding such registered persons.

9th. Persons attached to Bazars of Corps to be registered in a Book at Head quarters.

10th. Rules respecting such persons.

11th. What persons entitled to the privileges of such Registry.

Such

12th. Such registered persons liable to local Regulations, and to trial by Court Martial, for a breach of them.

13th Limitation of punishment to be awarded by Courts Martial in such cases.

14th Sentences of corporal punishment against persons exempt therefrom, may be commuted for a fine.

15th. Persons above described liable to trial by Courts Martial for petty assaults and breaches of the peace within the limits of cantonments, &c.

16th Also for petty thefts not involving violence or outrage.

17th How persons not attached to Military stations, charged with petty offences committed within the limits of those stations, are to be proceeded against.

18th. All persons accused of crimes committed within the limits of Military stations, but not cognizable by Courts Martial under this Regulation, shall be arrested by the Commanding Officer and delivered over to the Magistrate.

19th. How process of arrest, either Civil or Criminal, is to be exe-

 cuted

cuted within the limits of Military stations; any process of citation short of arrest how served.

20th. What description of Military stations these rules are for the present confined to, and in what cantonments or Military stations the provisions of Regulation 3, 1809, to remain in force.

POLICE

21st The charge of the police over persons attached to the bazars of corps, and the trial and punishment of petty offences vested in the Commanding Officer; but the Magistrates to have concurrent jurisdiction in certain cases.

PERSONAL ACTIONS.

22d. How actions of debt or other personal actions not exceeding 200 Rupees against Officers, Soldiers or others, are to be tried and determined.

23d. By whom Courts Martial are to be convened for the purposes specified in this Regulation.

24th. No process of arrest before judgment to issue from the Civil Courts, unless in cases exceeding 200 Rupees against registered dependants residing in cantonments—Rule to be observed in actions

SECTIONS

REGULATION XX.

tions exceeding that amount, or in which the defendant not a be registered person.

25th. Similar Rules as to persons attached to the bazar of corps.

26th. Commanding Officers not authorized to dispossess proprietors of lands or houses within the limits of Military cantonments, bazars, &c. Rules as to lands the property of Government within those limits.

Provisions

1811 | SECTIONS | REGULATION I.

Defining the Crime and Punishment of Burglary.

OFFENCE DEFINED.

2d. C. 1st.

Vide S.2 R. 11, 1814.

C. 2d.

Provisions in Section 5, Regulation 53, 1803, and Section 6, Regulation 3, 1805, subject to the following modifications.

The offence to which the provisions of this Regulation are intended to apply, is defined to be the breaking, either by day or by night, with intent to rob, into any dwelling house, whether constructed of brick or other materials, into any tent, boat or other place of habitation, by whatever means such entry may be effected, attended with breaking; and whether in pursuance of the intent to rob any property be carried away or otherwise.

3d. C. 1st to 4th.

Virtually superseded by Clauses 2, 3, 4, and 5, Section 2, Regulation 11, 1814, and Section 8, Regulation 17, 1817, and Section 2, Regulation 12, 1818.*

ACCESSARIES.

4th.

Do. Do.

Persons convicted of aiding and abetting, or though not present, of having procured or caused by hire, counsel or command, the perpetration of such robbery or attempt to rob; or in any manner confederating with the robbers, in pursuance of a preconcerted

* The provisions of Regulations referred to, contain no distinction of punishment for robberies committed by day or by night, which is left to the discretion of the Magistrate or the Judge of Circuit.

Punishment of the Offence of Burglary.

TRIALS TO BE REFERRED TO NIZAMUT ADAWLUT.

SEINDEHATEE.

PARDON TO KING'S EVIDENCE.

certed plan for that purpose, shall be punished as the principals under the preceding Sections.

5th. In trials in which any of the prisoners are liable to a sentence of death, as well as in trials referrible to the Nizamut Adawlut, in consequence of the disapproval by the Judge of the Futwa of his Law Officer, Judge shall not pass sentence (except for the acquittal and discharge of prisoners not convicted,) but shall transmit the trial with his opinion thereon for the sentence of the Nizamut Adawlut.

6th. Persons on whom a Seindk,hatee may be found, shall be detained in custody until they give security for good behaviour, or until discharged by order of the Court of Circuit.

7th & 8th. Rescinded by Section 4, Regulation 12, 1818.

9th C. 1st. Any persons who may have been concerned in the commission of the offence described in Section 2, or in robbery by open violence, as defined in Section 3, Regulation 53, 1803, but which shall not have been attended with murder, wounding, or other aggravating act of personal violence, whether in custody or otherwise, shall be intitled to a pardon upon giving such information

 to

APPREHENSION AND CONVICTION OF PURCHASERS OR RECEIVERS ON INFORMATION.

REPORT TO THE NIZAMUT ADAWLUT FOR CONDITIONAL OFFER OF PARDON.

SECTIONS	REGULATION I.
9th.	to the Magistrate at any time previous to conviction, as shall lead to the apprehension and conviction of the principal receiver or receivers, purchaser or purchasers of the property robbed or stolen, and the Magistrate to transmit, without delay, to the Nizamut Adawlut, a report of the circumstances of the case, with a copy of any proceedings previously held by him on the charge against the informer, and the Nizamut Adawlut will anthorize and confirm such pardon by a written certificate as provided by Section 5, Regulation 14, 1810, to be delivered to the party on conviction of the receiver.
C. 2d.	The Magistrates and Judges of Circuit to report to Nizamut Adawlut for consideration any case in which they may deem it expedient to make a conditional offer of pardon to any person, whether in custody or otherwise, (not being a principal offender) who may have been privy to, or concerned in, any offence of the nature defined in Clause 2, Section 2, of this Regulation, or Section 3, Regulation 53, 1803, which may have been attended

Punishment of Burglary, &c.

DISCOVERY AND APPREHENSION OF PURCHASERS OR RECEIVERS.

INFORMATION AND RESTITUTION OF PROPERTY BY RECEIVERS.

9th.

attended with murder, wounding or other aggravating acts of violence, upon such persons giving information which may lead to the discovery, apprehension, and conviction of the principal receivers or purchasers of the stolen property; and shall at the same time, submit all information obtained by them respecting the privity or other criminality of the person proposed to be pardoned, and so much of the circumstances of the case as may enable the Nizamut Adawlut to determine on the expediency of authorizing the pardon recommended.

C. 3d.

Any receivers or purchasers of stolen goods or effects, who, previously to conviction, shall render up such property to the Magistrate or a police darogah, and shall give information leading to the apprehension and conviction, either of a vender thereof, or of the principals concerned in the theft or robbery; shall in like manner upon a report to be submitted by the Magistrate, or by the Judge of Circuit to the Nizamut Adawlut, receive a pardon for the said offence, to be authenticated and delivered as directed in the preceding Section.

Landholders

SECTIONS	REGULATION I.
10th.	Landholders and Native Revenue Officers of every description declared accountable for the early communication to the Magistrate, either secretly or publicly, of all information they may obtain respecting receivers of stolen goods within the limits of their respective estates or lands managed by them, or liable on proof of neglect, after a similar inquiry to that directed by Section 13, Regulation 9, 1808, to be sentenced by the Magistrate to fine or imprisonment not exceeding the limitations therein specified.
11th. C. 1 to 18	Rescinded by Clause 2, Section 2, Regulation 20, 1817.
12th to 25th.	Do. Section 2, Regulation 21, 1812.

Rescinded

Regulation VII.

2d. C. 1st to 3d.

Rescinded by Section 2, Regulation 20, 1817.

3d. Complaints not cognizable.

All complaints or charges of adultery, fornication, rape, calumny, abusive language, slight trespass, or inconsiderable assaults, to be preferred in the first instance at the cutchery of the Magistrate, whether preferred in person or by vakeel, as provided for by Section 4, Regulation 9, 1807.

4th. Process now served.

The rules for serving criminal process prescribed by Clauses 2, and 3, Section 14, Regulation 9, 1807, to be considered applicable chiefly to charges or informations of crimes or offences of a heinous nature, and in complaints of the nature above specified, the process shall be served by peons or other persons who shall be authorized by the Magistrate to demand and receive Tullubana according to the rate prescribed by C. 3, Section 14, Regulation 9, 1807, to *be paid in the first instance* by the party at whose complaint the process may be issued.

Modified by C. 1st to 9, S. 14, R. 26, 1814.

Dewy.

Vide C. 1, Sec. 2, R. 3, 1812.

5th. Unfounded complaints.

In extension of the punishment prescribed by Section 10, Regulation 9, 1793, for preferring malicious, vexatious, *or unfounded complaints*, the Magistrates may sentence for such offence to imprisonment not exceeding six months.

Vide Sec. 20, R. 22, 1816.

Magistrates

1811 *Limiting Powers of Police Darogahs.* PROHIBITION OF REFERENCE.

SECTIONS

6th.

7th.

REGULATION VII.

Magistrates prohibited from referring complaints noticed in Section 3 to their police darogahs for investigation or report, and are invariably to conduct such enquiries and investigations themselves, or by their Assistants.

Rescinded by Section 2, Regulation 20, 1817.

The

Prohibiting Importation and Sale of Slaves from Foreign parts.

2d. The importation of slaves by land or by sea prohibited. Offenders liable to be criminally prosecuted.

3d. On conviction, shall be liable to imprisonment for six months, and fine to Government not exceeding Rupees 200, commutable in default of payment to a further period of imprisonment for six months.

4th. The Magistrate by whom the decision may be passed, shall discharge or cause to be sent back to their friends or country, any slaves so imported—as he may deem advisable.

5th. C. 1st. Captains of Ships or Vessels (except the Company's) importing at Calcutta, shall previously to landing their Cargo, execute a penalty Bond for Rs. 5000, not to sell slaves.

C. 2d. The said Bond to be taken by one of His Majesty's Justices of the Peace for Calcutta.

C. 3d. The Collector of Government Customs to ascertain that such Bond has been executed previously to permitting the Cargo to be landed.

C. 4th. Form of Penalty Bond.

Rescinded

1811 | SECTIONS | REGULATION XIV.

Prisoners for life in the Jail at Allipore.

2d. C. 1st & 2. Rescinded by Clause 1, Section 2, Regulation 9, 1813.

NOT TO QUIT THE AREA.

C 3d. Vide Sec 11, & 13, Reg. 14, 1816, and S. 7, R. 4, 1823. Persons sentenced to imprisonment for life in the *Jail at Allipore*, not to be permitted to quit the area attached to the Jail; except in cases of sickness or accidents; and are to be uniformly lodged within the Jail.

Do. Do. C. 4th. Persons sentenced to imprisonment for life in the *Allipore Jail*, to be employed as the Superintendent of the Jail shall direct.

HOW TO BE EMPLOYED.

3d. C. 1st Such parts of Regulation 7, 1806, as enact that a Court of Civil judicature exclusively shall be established in the 24 Pergunnahs, and such parts of Regulation 10, 1808, as enact that the person holding the Office of Superintendent of Police in the Lower Provinces, shall be likewise Magistrate of the 24 Pergunnahs, rescinded.

C. 2d. The Offices of Judge and Magistrate of the 24 Pergunnahs to be vested in the same person.

By

DEPOSIT FOR THE MAINTENANCE OF WITNESSES.

EXCEPTION.

REGULATION III.

3d. C. 1st. No process for the attendance of witnesses to give evidence in petty complaints of the nature specified in Section 3, Regulation 7, 1811, to be issued, unless the complainant shall deposit with the Nazir of the Court a sufficient sum for the maintenance of the witnesses summoned during one month, the rate to be fixed by the Magistrate not being less than 1 anna, nor more than 3 annas per diem.

C. 2d. Should the witnesses be detained from their homes less than one month, the surplus of the deposit to be paid to the prosecutor.

C. 3d. If the detention of the witnesses be for a longer period than that specified in Clause 1 of this Section, the prosecutor to deposit at the expiration of each month a further sum, until the case be decided or the witnesses discharged—or, in default thereof, the complaint to be dismissed.

C. 4th. The foregoing provisions not to apply to cases of maihem, actual affrays, or tumultuary assemblies of the people; in such cases, requiring the immediate interposition of the police, as well as on charges for heinous crimes, the subsistence of indigent prosecutors and witnesses to be defrayed by Government.

2d. C. 4. ment.—If a prosecutor by exaggeration or misrepresentation of a trifling offence shall procure process to be issued, on the real nature of the case being ascertained, he shall be held accountable for whatever sum may be due for the subsistence of his witnesses on the principles above stated.

C. 5th. An account to be kept by the Nazir of all sums received or disbursed on account of subsistence of witnesses under this regulation; and to be inspected monthly by the Magistrate or his Assistant.

C. 6th. Magistrates prohibited issuing any process on charges of a trivial nature, as well as more heinous offences, without previously examining the prosecutor as to the specified facts of the case, and satisfying himself that there are grounds for proceeding against the party accused; and if the Magistrate shall see grounds to distrust the truth of the charge, he shall summon the witnesses of the prosecutor, or such of them as he shall deem proper, and examine them previously to issuing any process against the accused; but such enquiries on no account to be committed

Enquiries into Criminal Charges.

PERSONAL ATTENDANCE OF COMPLAINANTS.

INFORMATION OF CRIMES BY LANDHOLDERS.

2d.

committed to police darogahs, and in all such previous enquiries the rules above prescribed regarding the subsistence of witnesses to be duly enforced.

2d.

Vide Sec. 17, R. 27, 1814. (Dewy)

Section 4, Regulation 9, 1807, modified, and in ordinary cases individuals having charges of a criminal nature to prefer, shall attend in person to institute and conduct the prosecution before the Magistrate, and likewise before the Court of Circuit; and *Vakeels or Agents shall not be* permitted to interfere in the conduct of such prosecutions, unless substantial reasons be shewn for the non-attendance of the prosecutors in person.

4th C. 1st.

C. 2d.

Extended by R 8,1814

Recapitulating the provisions of Regulation 6, 1810.

All descriptions of landholders and their local agents responsible for the early and punctual communication to the Magistrates or police darogahs, of information of *Robberies or Burglaries* committed within the limits of their respective lands, &c. or on proof of neglect after an enquiry prescribed in Section 13, Regulation 9, 1808, to be sentenced by the Magistrate to pay a fine or suffer imprisonment not exceeding the limitations therein specified.

Magistrates

1812 | SECTIONS | REGULATION III.

SENTENCES OF SUPERINTENDENTS OF POLICE.

5th C. 1st

Vide C. 3, Sec. 11, R. 17, 1816.

Magistrates authorized and required to carry into execution *sentences passed by the Superintendents of Police.*

C. 2d.

Magistrates likewise to superintend the conduct of prosecutions before the Courts of Circuit, of persons committed or held to bail by the Superintendents of Police.

C. 3d.

The above rules not to prevent the Superintendents of Police from causing execution of their own sentences; or from superintending the conduct of prosecutions.

PUNISHMENT OF WATCHMEN.

6th.

Extended Vide C 1, Sec. 9, R. 14, 1816.

All descriptions of Watchmen who are subject to the orders of the regular police, punishable by the Magistrates for any misconduct or neglect of duty (not being of a nature to require commitment for trial by the Court of Circuit) with stripes not exceeding 30 Ratans, instead of fine or imprisonment, at the discretion of the Magistrate.

ABSENCE OF DAROGAHS.

7th.

The Magistrates to nominate the Mohurer, or Jemadar, or other person, to officiate for Darogahs absent on leave from their Tannahs, or during their absence from any other cause.

Rescinded

1812 | SECTIONS | REGULATION III.

Apprehension of Known Offenders

REGISTRY

LIST AND WARRANTS TO LANDHOLDERS

8th. Rescinded by Section 27, Regulation 20, 1817.

9th. C. 1st. Registers of the names of convicts who have broken Jail, of persons proclaimed under Regulation 9, 1808, and of persons charged with or suspected of the commission of heinous crimes who may have eluded the pursuit of justice, to be prepared and kept in the Office of each Zillah and City Magistrate.

C. 2d. Copies of such Registers to be furnished half-yearly to the Superintendents of Police.

C. 3d. Lists to be prepared half-yearly or oftener, and transmitted by the Magistrates to the landholders, with warrants for the apprehension of the persons therein named. Copies to be also sent to the Darogahs.

C. 4th. The Magistrates to require written acknowledgements from the landholders, &c. of the receipt of such Lists.

C. 5th. All Zemindars, &c. to whom such lists and warrants are transmitted, authorized to apprehend the persons named therein; or to apply for aid for that purpose to the nearest Police Officer.

C. 6th. Such persons when apprehended, to be delivered without

delay

Apprehension of Known Offenders

	Vide C. 18, S 26, R 20, 1817.	delay into the charge of the *nearest Police Officer*.
	C. 7th.	Zemindars, &c. to furnish half-yearly Reports of persons so apprehended.
REPORTS	C. 8th.	Darogahs to furnish similar periodical Reports to the Magistrates and Superintendents of Police.
RESISTANCE.	10th. C. 1st	Magistrates to cause the landholders to be informed that they will be held guiltless of any consequences ensuing from resistance to the execution of warrants.
	C. 2d.	And such resistance punishable as prescribed by the Regulations for resistance to the process of the Zillah and City Magistrates.
	11th. C. 1st.	Zemindars, &c. to be informed that they will not be required to prosecute or to attend the Court, or be subjected to any other personal inconvenience, in pursuance of the execution of the above duties.
EVIDENCE TO CHARACTER.	C 2d.	Any evidence required as to the general character of persons so apprehended, to be procured by means of the regular Police Officers.
	12th.	Magistrates how to proceed against Zemindars guilty of neglect or misconduct in the duties above prescribed, and on proof thereof shall be punishable by fine or imprisonment at the discretion

1812	Sections	Regulation III.
PUNISHMENT FOR NEGLECT	12th.	discretion of the Magistrate not exceeding the limitation prescribed by Section 19, Regulation 9, 1807, viz. imprisonment for 6 Months and a fine of Rupees 200, commutable, if not paid, to a further period of imprisonment for 6 Months.
LISTS TO PERSONS NOT BEING ZEMINDARS &c.	13th.	Magistrate may grant such lists and warrants to persons not being Zemindars &c. with their own consent, and the provisions of this Regulation declared applicable to the legal execution of any warrants of a Magistrate by any person so employed.

Regulation XXI.

	2d.	Rescinding Sections 12 to 25, Regulation 1, 1811.

Khazanchees,

1813 — *Preventing the use of Public Money by Native Officers*

PROHIBITION. DISCRETIONARY PUNISHMENT. REPORT TO GOVT.

SECTIONS	REGULATION II.
2d.	Khazanchees, Tehseeldars and other native officers intrusted with the use of public money, prohibited from making use of such money for their own advantage or that of any other individual.
3d.	Persons infringing the above rule to be deemed guilty of misdemeanour, and punishable on conviction before the Court of Circuit at the discretion of the Court, under C. 7, Section 2, Regulation 53, 1803; but offender not to be sentenced to the punishment of stripes or hard labor. If the Judge of Circuit shall deem a sentence of seven years imprisonment inadequate, to transmit the trial with his sentiments for the final sentence of the Nizamut Adawlut.
4th	The Board of Revenue, the Board of Commissioners and the Board of Trade, to submit special reports of all convictions and Sentences under the present Regulation to Government, who will determine whether the offender shall be declared incapable of again serving Government.

Provisions

Trials for Offences committed in Foreign Territories.

2d.

Provisions of Regulation 5, 1809, for the punishment of crimes committed beyond the British Territories in India applicable to the following classes of persons, and no others.

Extended Vide S. 2, R. 9, 1822. } C. 1st.

Natural-born Subjects of the British Government in India.

C. 2d.

Natives of India who may have become Subjects of the British Government by the conquest or cession of places in which they were born, for acts done by them subsequently to the period of such conquest or cession.

C. 3d.

Natives of Foreign States in India in the Civil or Military Service of the British Government, while actually in such Service, and during six months after they shall have quitted the British Territories, or (supposing them to be stationed out of the limits of the British Territories) after they shall have quitted the Service. But the established Courts of Justice in the British provinces not to take cognizance of any charge against a native Military Officer, Sepahee, Trooper or other person, for which he may have been already tried before a Court Martial.

Clauses

1813	SECTIONS		REGULATION IX.
Transportation. Punishment Restored.	2d.	C. 1st.	Clauses 1 and 2, S. 2d, Regulation 14, 1811, rescinded, and C. 2, Section 8, Regulation 53, 1803, revived.
		C. 2d.	The Governor General in Council competent to retain in the Jail at Allipore, any convicts sentenced to transportation for any period which he may deem expedient.
	Vide S. 15, R. 14, 1819.	C. 3d.	Convicts sentenced to transportation shall be sent to such of the British *Settlements in Asia* as the Governor General in Council shall appoint: the Governor General also reserves the power of transferring convicts from one place to another in the Settlements aforesaid: but convicts may be exempted from the removal under certain circumstances.
			REGULATION XIII.
			Rescinded by Regulation 22, 1816.
1814			REGULATION III.
			Rescinded by Regulation 22, 1816.
			REGULATION V.
	2d.	C. 1st.	Rescinding such parts of Section 2, Regulation 5, 1793, Section 2, Regulation 9, 1795, and Section 2, Regulation 4, 1803, and any other rules as provide that the Provincial Court shall be superintended by three Judges.
		C. 2d.	The several Courts to consist of four Judges.
		C. 3d	The Judges to exercise both Civil and Criminal Jurisdictions.

Section

*3d. C. 1st. Section 8, Regulation 1, 1806, and any other provisions which require that the Senior Judge shall proceed on Circuit, rescinded.

C. 2d. The duties of the Circuit and Jail deliveries at the principal Stations to be performed by the 2d, 3d and 4th Judges, the Senior Judge to remain at the principal Station for the conduct of the public business, but in cases of exigency may be ordered to proceed on Circuit.

Regulation VIII.

2d. All land-holders, farmers, &c. or their local agents accountable for the early communication to the Magistrate, or Police Darogahs, of all Murders, Arsons and Thefts, committed within the limits of their respective lands or farms, and such persons neglecting to give the information prescribed, shall, on proof thereof, after an inquiry similar to that directed by Section 13, Regulation 9, 1808, be sentenced by the Magistrate to fine or imprisonment not exceeding the limitations therein specified.

Regulation IX.

2d. The operation of Regulations 13, 1813, and 3, 1814, to extend to every person or persons, British Subjects and others, resident, or being within the districts in which the said Regulations are or shall be respectively in force.

Virtually rescinded by the rescission of Regulation 13, 1813, and Regulation 3, 1814.

Sections

1811 | SECTIONS | REGULATION XI.

Further provision for punishment of Burglary.

JAIL DELIVERIES OF 24 PERGUNNAHS

2d. C. 1s — Sections 2, 3, and 4, Regulation 1, 1811, modified.

C. 2d. C. 3d. C. 4th — Not expressly rescinded, but virtually superseded by C. 3, Section 2, Regulation 12, 1818*.

C. 5th — The Judges of Circuit always to record their reasons for mitigating the sentences, and if, in any instance, a further mitigation (less than 3 years without stripes) or remission of the punishment, under the circumstances of the case, shall appear proper, they shall (provided they concur with their Law officers in the conviction of the prisoner) pass sentence according to the preceding Clauses, and refer the trial, with a full report of their sentiments, to the Nizamut Adawlut, for the final sentence or orders of that Court, in pursuance of Section 3, Regulation 14, 1810.

Such part of Section 4, Regulation 2, 1804, and of any other Regulation, as enacts that the Jail deliveries shall be holden quarterly in the 24 Pergunnahs, rescinded.

4th. — Monthly Jail-deliveries to be holden in the 24 Pergunnahs to commence on the 1st day of each month, or as soon after as practicable.

Sections

* It is not clear whether the rule contained in Clause 5, is not superseded by the provisions of Section 2, Regulation 12, 1818.

1814 *Abolition of the Office of Cutwal in* CITY OF DACCA, MOORSHEDABAD AND PATNA.

SECTIONS

REGULATION XIII.

2d. Sections 26, 28, 29, 31, 32, 34, 36, 38 and 39, Regulation 22, 1793, or any other rules in force which define the duties of the Cutwal in the Cities of Dacca, Patna, and Moorshedabad, rescinded.

3d. The office of Cutwal in the above Cities is hereby abolished.

Punishment on Conviction of two or more Offences.

2d. C. 1st. Discretion vested in the Courts of Circuit to reduce the prescribed penalties to which a person convicted of two or more distinct offences on separate trials held at one session, would be subject to 14 years imprisonment and 39 Corahs, ; but should the Judge of Circuit be of opinion that the prisoner is deserving of a longer period of imprisonment, the Judge to pass sentence according to the Regulations on each trial separately (provided the total number of stripes adjudged shall not exceed 39 Corahs) and transmit the proceedings in each with a report, and his sentiments on the punishment which should be inflicted on the prisoner for the final sentence of the Nizamut Adawlut.

C. 2d. The principle of the preceding Clause applicable to cases wherein the prisoner convicted and punished at a former session may be brought to trial and convicted at a subsequent session of another offence committed anterior to the first sentence, but not to any new offence committed by the prisoner subsequent to his conviction of a former offence, whether the period of the confinement to which he may have been sentenced may have expired or otherwise.

When

1814 | SECTIONS

Punishment on Conviction of two or more Offences.

2d. C. 2d.

REGULATION XV.

When a prisoner may be brought to trial before a Court of Circuit on two or more distinct charges, on one of which he would be liable, on conviction, to a sentence of 14 years imprisonment, and the further charges may not be such as on conviction would subject the prisoner to a sentence of death or imprisonment for life, the Judge of the Court not required to try such additional charge or charges, unless special cause shall appear for so doing, but to report the same to the Nizamut Adawlut with his reasons for the exercise of such discretion, in the statement transmitted of the sentences passed by the Court of Circuit; or if the trials be referrible to the Nizamut Adawlut, in the letter accompanying such trial, and the Nizamut Adawlut may order a trial of the remaining charges, in all cases that they may judge proper.

REGULATION XVI.

Rescinded by Regulation 22, 1816.

Powers of Single Judges of the Courts of Circuit.

RESTRICTIONS.

SINGLE JUDGE MAY HOLD SITTING AT SUDDER STATION.

2d to 10th. (Dewy.) See Dewany Regulations (Sections 2 and 4, rescinded by Section 8, Regulation 4, 1823).

11th. The following Sections enacted to define the powers of single Judges of the Court of Circuit at the sudder station.

12th. C. 1st. Whenever, from indisposition or absence of any of the Judges of Circuit, or from vacancies in those Courts or other cause, the Sitting of the Court of Circuit at the sudder station cannot be held before two Judges, it shall be competent to a single Judge to hold the Sitting of the Court and to call for the proceedings of a Zillah or City Magistrate, or Joint or Assistant Magistrate, in cases where it may appear requisite; also to execute all sentences and orders received from the Court of Nizamut Adawlut, and to pass orders in conformity with the Regulations in all matters cognizable by the Courts of Circuit at the sudder station, subject to the following provisions.

C. 2d. A single Judge at the sudder station not to revise or alter a decision of a Magistrate, or Joint or Assistant Magistrate, without the concurrence of another Judge of Circuit.

C. 3d. A single Judge of Circuit not to reverse or alter a decision which

Powers of Single Judges of the Courts of Circuit.

RESTRICTIONS.

SITTING OF SINGLE JUDGE OF COURT OF CIRCUIT AT SUDDER STATION.

12th. which may have been passed by any one or more Judges of Circuit.

C. 4th. No Judge of Circuit to take cognizance of appeals against any decision or order passed by himself in capacity of Magistrate or Joint or Assistant Magistrate, or in any other capacity.

C. 5th. In cases referred to the Court of Circuit, at the sudder station by a Judge of Circuit holding a Jail-delivery in pursuance of Section 22, Regulation 9, 1807, or any other Regulation authorizing a reference to the Court of Circuit at the sudder station by the Judge of Circuit, if there be only one Judge at the sudder station, or if the case shall come before a single Judge under the provision made by Clause 1 of this Section, and such Judge shall concur in opinion with the Judge making the reference, he shall be competent to pass a final order in conformity with their joint opinion and the Regulations. But if the Judge at the sudder station should differ in opinion from the Judge making the reference, he shall record his opinion and the question shall lie over, till the opinion of a third Judge can be obtained.

C. 6th Rule contained in Section 10 of this Regulation (vide Dewany)

Powers of Single Judges of the Court of Circuit

SITTING OF SINGLE JUDGE.

12th. Dewany) applicable to single Judges of the Courts of Circuit holding the Sittings at the sudder stations respecting the appointment and removal of native ministerial officers of the Courts of Circuit or of the Zillah or City Magistrate or Joint or Assistant Magistrates, or Police officers, in cases in which their appointment is subject to the confirmation of the Court of Circuit.

13th. Decisions and orders of a single Judge at the sudder station passed in conformity with the preceding Section, to have the same force as if passed by the Court collectively.

DIFFERENCE OF OPINION.

14th. Judges of Circuit in all cases of difference of opinion to be guided by the principles of the rule prescribed for the Courts of Appeal in Section 9 of this Regulation (See Dewany.)

DISMISSION OF POLICE OFFICERS.

15th. A Judge of Circuit holding a Zillah or City Jail delivery, may order the dismission of any police or other native officer for any misconduct appearing before him in the course of a trial, or on conviction of any criminal offence punishable by the Regulations by dismission from office; and on notification of the same to the Magistrate or other European officer under whom

Powers of Single Judges of Court of Circuit.

COURT OF SUDDER DEWANY ADAWLUT. JUDGES OF CIRCUIT MAY ORDER DISMISSION OF NATIVE OFFICERS.

whom such person may have been employed, it shall be the duty of such officer to cause the appointment of a successor, in conformity with the Regulations. In all other cases, if the removal of a public officer shall appear to the Judge of Circuit necessary, he shall communicate his opinion, with the grounds thereof, to the Magistrate (or other European public officer) who will either conform thereto, and proceed to fill the vacant office, or shall report the case to the proper Court, Board or other authority, vested with the final power, of removing the said officer under the provisions of Regulation 3, 1809, or any other Regulation in force.

16th. The modification of Section 2, Regulation 13, 1810 (Dewy.) contained in Sections 5 and 8 of this Regulation, are also declared applicable to the provisions of Section 6, Regulation 13, 1810, (Dewy.) with respect to a single Judge of the Court of Sudder Dewany Adawlut holding the Sittings of that Court.

17th. The rule for separate Sittings before single Judges of the Nizamut

SECTIONS

REGULATION XXV.

17th. Nizamut Adawlut, contained in Section 6, Regulation 8, 1808, declared to authorize Sittings of a single Judge upon miscellaneous references to or from the Courts of Circuit and Magistrates upon petitions receivable by the Nizamut Adawlut, and generally upon all matters appertaining to the cognizance of that Court under the Regulations in force; but a single Judge of the Nizamut Adawlut not to reverse or alter a decision or order of Judge of Circuit, Magistrate, or other public officer, without the concurrence of another Judge; or by his single authority to reverse or alter any former decision or order passed by any Judge or Judges of the Court.

18th. If the four Judges of the Court of Sudder Dewany Adawlut or Nizamut Adawlut, be present at a Sitting of either Courts, when a difference of opinion may take place, and the number of voices be equal, the Chief Judge, concurring with any one of the Judges, shall have a casting vote, and the question shall be determined accordingly.

By

SECTIONS		REGULATION XIV.
2d.		By what rules the Magistrates to be guided in the management of the public Jail.
3d.		By what rules for the treatment of prisoners employed on the public roads or other public works.
4th.		Magistrates authorized to punish certain offences committed by the prisoners, on a summary enquiry.
5th.	C. 1. to 5.	Specification of offences which the Magistrates are empowered to punish under the preceding Section.
6th.	C. 1 to 3.	In what manner and to what extent the Magistrates may punish the offences specified.
7th.		Powers declared to be vested in Magistrates may be exercised by Joint Magistrates and by Assistant Magistrates not stationed at the same place with the Zillah or City Magistrates.— The Magistrates may also refer any cases to their Assistants at the sudder station. Rules to be observed on such references. In what case the Assistant may exercise the same powers as the Magistrate.
8th.		What record to be kept of the summary enquiry and con-

 victions

Management of the Public Jails.

MILITARY GUARDS. MALTREATMENT OF PRISONERS. PUNISHMENT OF BURKUNDAZES, &c

8th		victions provided for by this Regulation. The record to be ready for inspection of the Judge of Circuit, and the Judge of Circuit how to proceed if he disapprove the order of the Magistrate or the Assistant.
9th,	C. 1st.	Provision for the punishment of watchmen for neglect or misconduct contained in Section 6, Regulation 3, 1812, extended to Burkundazes, Pykes, and other inferior officers attached to the public Jails, or employed in the charge of prisoners, or generally in the performance of any public duty under a Magistrate or police darogah or other person in charge of the police.
	C. 2d.	Magistrates to prevent any maltreatment of prisoners by the native officers having charge of them.
		Complaints of prisoners to be immediately enquired into; and how redressed, if proved to be well founded.
	C. 3d	The two foregoing Clauses not applicable to Military Guards or any persons subject to a Military tribunal—Section 10, Regulation 11, 1806, to be observed as heretofore in cases of neglect or other misconduct of such persons which may be cognizable by Court martial.

Magistrate

10th. C. 1st. Magistrate how to proceed when a convict under sentence of imprisonment may appear from his good conduct to deserve a remission or mitigation of his remaining punishment, and upon report of the Magistrate the Nizamut Adawlut empowered, if they deem proper, to remit the further punishment adjudged against the prisoner, in whole or in part, with exception of State Prisoners, which shall be reported for the orders of Government in conformity with the principle of Section 3, Regulation 11, 1810.

C. 2d. In cases of short imprisonment adjudged by the Magistrate or his Assistant wherein the object would be defeated by the delay attending a reference to the Nizamut Adawlut, the Magistrate may order the discharge of a Prisoner who may appear deserving of a remission of punishment, but to record his reasons on his proceedings, to be submitted, when required, to the Judge of Circuit.

Reasons

SECTIONS		REGULATION XIV:
11th.		Reasons for placing the Jail at Alipore in the vicinity of Calcutta under the immediate inspection and control of the Judges of the Nizamut Adawlut.
12th.	C. 1st.	Judges of Circuit not required to visit the Jail at Alipore, as provided by Section 62, Regulation 9, 1793, in regard to the Jail of the 24 Pergunnahs.
	C. 2d.	The duty to be performed by one of the Judges of the Nizamut Adawlut, either in rotation or in such manner as may from time to time be determined by that Court.
13th.		The foregoing Section not meant to restrict the authority or alter the duties of the Calcutta Court of Circuit with respect to the proper Zillah Jail of the Suburbs of Calcutta, in pursuance of Regulation 14, 1814, (Dewany) ; nor to affect the powers and functions of that Court with regard to any prisoners under charge of the Magistrate of the Suburbs, except such as are confined in the Alipore Jail, referred to in Clauses 3d and 4th, Section 2, Regulation 14, 1811.

1816 POWER OF THE GOVERNOR GENERAL IN COUNCIL IN THE TRANSPORTATION OF CONVICTS.

SECTIONS	REGULATION XIV.
14th.	All prisoners under charge of the Magistrate of the Suburbs of Calcutta, subject to trial before the Court of Circuit on commitment by the Magistrate, for serious offences, under the Regulations in force.
15th.	Provisions in C. 3, Section 2, Regulation 9, 1803, extended to vest a discretion in the Governor General in Council for sending convicts under sentence of transportation, to the Island of Mauritius.

A general

1816 | SECTIONS | REGULATION XVII.

Revision of Police Establishments.

REGISTRY.

2d. C. 1st. A general registry of all Police and Jail Establishments to be prepared by the Superintendents of Police.

REVISION.

C. 2d. Establishments to be revised by the Superintendents of Police, and a statement of establishments on as reduced a scale as practicable to be prepared and submitted to Government.

COMPARATIVE STATEMENT.

3d. Annual comparative statement of Establishments, with a report, to be submitted to Government by the Superintendents of Police; explanations or suggestions which the report is to contain.

REPORT ANNUAL OF CHOKEEDARS.

4th. Vide R. 22, 1816. An annual report on the state of the Subsidiary Police Establishments entertained under the *provisions of Regulation* 13, 1813, to be submitted to Government by the Superintendents of Police.

5th. Any information required relative to those Establishments to be supplied by the Magistrates to the Superintendents of Police.

APPOINTMENT AND REMOVAL OF OFFICERS OF POLICE AND JAILS.

6th. Such parts of Regulation 8, 1809, (Dewy.) as relate to the appointment or removal of Cutwals, Darogahs of Police, and other Jail or Police Officers, rescinded, and the rules contained in Sections 11 & 12, Regulation 16, 1810, subject to the following modifications.

Magistrates

Appointment and Removal of Police Darogahs, Jailors, &c.

POWERS VESTED IN MAGISTRATES.

PETITION TO COURT OF CIRCUIT.

SECTIONS

REGULATION XVII.

7th. C. 1st. Magistrates empowered to appoint and remove their Police Darogahs and Tannah Police Officers in consequence of any neglect, misconduct or incapacity---or to remove them from one station to another, without reference to the Court of Circuit, whose sanction not necessary to such removal or appointment.

C 2d. Also may appoint or remove their Jailors in the same manner.

C. 3d. Magistrates to record on their proceedings the grounds of removal, and to select proper persons to fill the vacancies.--- and public officers not to be removed without sufficient cause..

C. 4th. List of persons appointed Cotwals, Darogahs and Jailors, since the period of the preceding Sessions, to be submitted to the Judge of Circuit.

C. 5th. Petitions may be received by the Judge of Circuit at the period of the Sessions from officers deeming themselves aggrieved by their removal, the receipt of such petitions restricted to the period of the Sessions immediately ensuing, unless for special cause.

The

EXPLANATION OF THE FOREGOING CLAUSE. JUDGE OF CIRCUIT TO REVISE PROCEEDINGS OF MAGISTRATE.

SECTIONS

REGULATION XVII.

7th. C. 6th. The Judge of Circuit on receipt of such petitions may call for proceedings of the Magistrate, accompanied by any explanation in the English language the Magistrate may deem proper to afford.

C. 7th. If the Judge of Circuit should, on consideration of such papers, be of opinion that the powers vested in the Magistrates by this Regulation have been perverted, he is to submit the proceedings to the Nizamut Adawlut, who will proceed thereon in conformity with Section 14, Regulation 2, 1801, and Section 21, Regulation 8, 1803; and if they shall deem necessary, will direct any Officer to be restored who may appear to have been improperly removed.

C. 8th. The foregoing Clauses not to preclude the Courts of Circuit or Nizamut Adawlut from ordering the removal of any Police or Jail Officer who may be either convicted of a criminal offence, declared punishable by dismission, or whose conduct from any proceedings before the Court may appear such as to require his removal from the public situation held by him.

Sections

SECTIONS	REGULATION XVII.
8th. C. 1st. Vide C. 1st. S. 6, R. 20, 1817.	Sections 6, and 7, Regulation 14, 1807, (C. P.) modified. The Magistrates authorized to station at *Out posts* a portion (not exceeding one third of their Tannah-Police Establishments; reporting the particulars and grounds of the arrangement to the Superintendents of Police.
C. 2d. to 4th.	Virtually superseded by C. 2, 3, and 4, Section 6, Regulation 20, 1817.
9th. C. 1st.	Deaths, resignations, removals and appointments of Cotwals and Police Darogahs to be reported by the Magistrates to the Superintendents of Police.
C. 2d.	Superintendents of Police to inform the Magistrates in cases whenever any person so appointed may have been previously disqualified.
C. 3d.	Removal of a Police or other officer not to preclude his being again employed in any situation for which he may be considered duly qualified (exception.)
10th.	Superintendents of Police empowered to remove and appoint their own ministerial officers.
11th. C. 1st. Vide C. 4, S. 4, R. 20, 1817.	Superintendents of Police empowered to *fine any Police Darogah* or other subordinate Police officer within the limits of their respective jurisdictions.

Likewise

1816 | SECTIONS | REGULATION XVII.

Extension of powers of Superintendents of Police

ASSUME CHARGE OF TANNAHS — MAY FINE OR SUSPEND POLICE OFFICERS

11th. C. 2d. Likewise empowered to suspend them from office during any enquiry they may deem necessary to institute into their conduct; or for failure or neglect to furnish information, or obey orders issued to them by the Superintendents of Police.

C. 3d. Superintendent's orders for fine or suspension how to be communicated to the Magistrate for the purpose of being carried into execution.

12th C. 1st. Superintendents of Police authorized to assume exclusive charge of any Tannah or Tannahs when they may deem it advisable; and the local Magistrates to conform to all requisitions to that effect from the Superintendents of Police, without awaiting any specific orders from Government under the provisions of Clause 3, Section 2, Regulation 16, 1810.

C. 2d. In such cases the Superintendents will exercise the same powers as are vested in the Magistrates with regard to the removal or suspension of any of the Police Officers of such Tannah Jurisdictions, and the Magistrates not to exercise any concurrent

REGULATION XVII.

12th, Concurrent jurisdiction therein without the special sanction of the Government, except in cases provided for in Section 16, Regulation 22, 1793, and Section 15, Regulation 17, 1795, and Section 16, Regulation 35, 1803.

13th. All Correspondence of the Zillah and City Magistrates relative to the strength, distribution or expence of their Police and Jail Establishments (whether temporary or permanent,) or respecting any alteration of Police stations, or of their local boundaries, and generally all correspondence of those officers with the Government which may have reference to arrangements or matters of Police, to be conducted through the offices of the Superintendents of Police.

14th, C. 1st. Reports at present submitted to the Court of Nizamut Adawlut by the Magistrate in regard to the escape of prisoners to be discontinued, but all proceedings held by the Magistrate in those cases, or enquiry into the conduct of Guards, to be submitted to the Court of Circuit at the Sessions.

C. 2d. The Magistrates to report to the Superintendents of Police all escapes of convicts or of other persons in custody previously

to

Extension of Powers and duties of Superintendents of Police

REWARDS FOR MERITORIOUS CONDUCT OR SERVICES TO THE POLICE.

REWARDS FOR THE APPREHENSION OF PRISONERS ESCAPED FROM JAIL.

14th. to their trial, or under requisition for security, with a copy or extract of any proceedings held by them, stating at the same time their opinion whether any reward should be offered for their re-apprehension, and to what amount.

C. 3d. The Superintendents of Police not to sanction the offer of a reward for re-apprehension exceeding Rupees 100, without the sanction of Government. In cases of emergency the Magistrates may offer a reward to that extent, reporting the same for the confirmation of the Superintendent of Police.

15th Magistrates likewise to state to the Superintendents of Police whenever they may recommend a reward to any Police officer or other person for meritorious conduct or service rendered the Police; and the Superintendents of Police to exercise the same discretion and under the same limitation as above prescribed; but the Courts of Circuit and Court of Nizamut Adawlut not precluded by this rule from the exercise of the power vested

SECTIONS		REGULATION XVII.
15th.		vested in them by Section 18, Regulation 16, 1810, whenever from any circumstance in the progress of trial they may deem proper to direct or recommend the payment of a reward under that Section.
16th.		The Revenue Authorities to retain the superintendence of lands assigned for the maintenance of Bridges, Saraies, &c: but such part of Regulation 19, 1810, (Revenue) as provide that such Authorities should provide for the due repairs and maintenance of such works or edifices, rescinded,
17th.	C. 1st.	A general control over public roads, &c. vested in the Superintendents of Police.
	C. 2d.	The Magistrates to communicate to the Superintendents of Police in cases when public works are considered necessary, instead of addressing Government.
	C. 3d.	The Superintendents of Police on receipt of such communications to consider the general utility or otherwise of such works.
	C. 4th.	And ascertain how far the labor of the convicts can be conveniently

17th. conveniently employed in their execution.

C. 5th. The Magistrates to furnish the Superintendents of Police with any information required in regard to the employment of the convicts and the state of the public works.

18th. Whenever it may be necessary, under the orders of Government, to collect any number of convicts together for the execution of any public works, and such convicts cannot be supplied from the sudder station of the district, the Superintendents of Police to apply to the Nizamut Adawlut, stating the purpose for which the convicts are required, the number requisite, and the districts from which they can best be spared; and the Nizamut Adawlut will determine on the expediency of the removal of the convicts and issue such instructions to the Magistrates as they may deem proper.

19th. C. 1st. The Superintendents of Police to report to Government on cases in which the construction of public works at the expense of Government may appear advisable, and submit a full explanation of

SECTIONS

REGULATION XVII.

19th. C. 2d. of the utility of the work, and estimate of expense.

Superintendents of Police to be careful to ascertain whether any means can be devised for defraying the expense of the proposed works otherwise than from the funds of Government and to refrain from recommending any expensive undertaking, except in cases promising more than ordinary advantage and convenience.

20th. Nothing in the foregoing rules shall be construed as superseding the control of the Courts of Circuit in regard to the employment of convicts.

Regulation

1816 | SECTIONS | REGULATION XXII.

Appointment and Maintenance of Police Chokeedars.

2d. Regulation 13, 1813, and Regulations 9, and 16, 1814, rescinded.

3d. Police Chokeedars entertained at the cities and stations herein specified, by whom to be appointed and maintained.

4th. Chokeedars to receive a monthly allowance in money, not *exceeding* 3 or less than 2 rupees.

Modified by R, 7, 1817.

5th. The number of Chokeedars to be appointed and maintained how regulated.

6th. Limitation of the amount to be collected monthly for the payment of the Chokeedars.

7th. Discretionary powers of exempting certain Muhullahs from maintaining Chokeedars.

8th. The provisions of this Regulation, when and in what manner to be carried into effect.

9th. The Magistrates to appoint a Punchaite for the purposes herein specified.

10th. The Punchaite to receive a Sunnud of appointment.

11th. The Magistrates to revise, amend, and finally determine the

SECTIONS	
11th.	the rates of assesment under what rules.
12th. C. 1st. Partly rescinded.	Persons deeming themselves disproportionately assessed or aggrieved, how to proceed.
C. 2d, Wholly rescinded by C. 1, Sec. 6, R. 3, 1821,	In what cases the Magistrates may receive Petitions of complaints upon unstamped paper.
13th.	Publication to be made of the rate of assessment, and names of persons assessed.
14th. C. 1st.	Revised and amended rates of assessment to be annually published.
C. 2d.	Magistrates and Joint Magistrates empowered, in certain cases, to cause the rates to be revised and amended during the year.
15th.	A Bukshee to be appointed for the realization of the assessment and other duties herein specified.
16th. C. 1st.	Bukshee to be sworn to the faithful discharge of his duties, and any interference therein of the Police Darogahs or others prohibited.
C. 2d to 8th.	Specification of the duties of the Bukshee.

Magistrates

Sections	Regulation XXII.
17th.	Magistrates how to realize arrears due from the defaulters.
18th.	Police Darogahs to aid the Bukshees, if required, in distress and sale of effects of a defaulter.
19th.	Complaints or charges perferred against a Bukshee how disposed of, and penalties to which a Bukshee will be liable on proof of the offences herein noticed.
20th.	Persons, preferring unfounded or vexatious charges, punishable not exceeding limitations specified in Section 10, Regulation 9, 1793, and Section 5, Regulation 7, 1811.
21st	Provision against any member or members of the Punchaite refusing the office.
22d.	Specification of the duties of Chokeedars appointed under this Regulation.
23d	Chokeedars not removable without the Sanction of the Magistrates, and how punishable for neglect or misconduct of other offence.
24th.	Annual statement to be furnished by the Magistrates and Joint Magistrates.

Appendix

1810	SECTIONS	REGULATION XXII.
		Appendix contains form of Sunnuds, Notification, Register and Statement A. to D.
1817		REGULATION VII.
Wages of Police Chokeedars.	Sd. C. 1st.	Section 4, Regulation 22, 1816, modified, and the Governor General in Council may authorize a monthly Allowance to Chokeedars not exceeding 4 rupees.
	C. 2d	The Superintendents of Police to report to Government whenever from any particular circumstances, it may be expedient to grant a higher allowance than three rupees.

The

SECTIONS

REGULATION X.

2d. The British Officers in charge of Kumaon and other tracts of country ceded by the Rajah of Nepaul, not to award punishment against offenders charged with crimes of a heinous nature.

3d. Such offenders how to be proceeded against, to be tried by a Commission specially appointed by Government.

4th. The local Officer to report all commitments to Government, in order that a Commission may be appointed when necessary.

5th. Powers vested in the Commission, and mode of trial.

6th. Commissioner to release the Prisoner, if not convicted.

7th. Commissioner either to refer the cause to the Nizamut Adawlut if the charge proved; or if within the competence of a Judge of Circuit, shall issue his warrant for the punishment of the Criminal.

1817	SECTIONS	REGULATION X.
	8th.	If referred to the Nizamut Adawlut, a full report with the proceedings of the Commissioner and Committing Officer to be transmitted.
	9th.	Court of Nizamut Adawlut to pass final sentence without Futwa, but conformable to the spirit and principles of the Regulations in force.
	10th.	The sentence to be carried into effect by the Local Officer in charge of the police.
	11th. C. 1st.	In what cases the Local Officer may take cognizance of crimes committed within the territories of independant States or Chieftains.
	C. 2d.	Rules contained in certain Sections of this Regulation to be considered applicable to such cases.
	12th.	Crimes committed previously to the 15th May, 1815, not cognizable by British Officers.
	13th.	Sentence how to be regulated with regard to offences committed between 15th May, 1815, and the period of the promulgation

SECTIONS	REGULATION X.
13th	mulgation of this Regulation. The principle above stated likewise applicable to this Section.

N. B. It is not very clear why this Regulation, which is inapplicable to Bengal, &c. has been entered in the Abstract.

Whenever

FUTWA OF THE LAW OFFICERS OF THE NIZAMUT ADAWLUT.

REFERENCE TO NIZAMUT ADAWLUT IN CASES OF ACQUITTAL OF PRISONER BY FUTWA AND DISAPPROVAL BY JUDGE OF CIRCUIT.

REGULATION XVII.

2d Whenever a person brought to trial before a Court of Circuit shall be acquitted by the Futwa of a law officer, and the Circuit Judge shall be of opinion, on consideration of the evidence and all the circumstances of the case, that the proof, either direct or presumptive, against the Prisoner, is sufficient to convict him of the whole or any part of the charge, so as to render him a proper object of punishment, the Judge not to pass sentence, but, (as in cases wherein a Judge of Circuit may disapprove the Futwa of the law officer) to transmit without delay to the Nizamut Adawlut the whole of the proceedings in the commitment and trial, with the Futwa of the law officer, and shall state in a letter to that Court, the specific crime or crimes which the Judge may consider to be established against the Prisoner.

3d, Law officers of the Nizamut Adawlut to write their Futwa upon trials referred to that Court, under the foregoing Section, as in other referred trials.

In

Administration of Criminal Justice in Certain Cases.

POWER OF NIZAMUT ADAWLUT TO PUNISH NOTWITHSTANDING ACQUITTAL BY FUTWA.

4th.

Vide S. 7 R. 4, 1822.

In such cases and *in all trials* referred to the Nizamut Adawlut, a power vested in two or more Judges, if that Court shall concur in opinion that the guilt of the prisoner is established, to pass sentence of conviction and punishment according to the nature and degree of his offence and the Regulations applicable thereto, notwithstanding the Futwa of the law officers of that Court should acquit the prisoner.

EVIDENCE EXCEPTED BY MOHAMEDAN LAW.

5th.

If the evidence of any witness in a criminal trial be declared by the law officer inadmissible on any ground of exception, not appearing to the Judge of Circuit sufficient and reasonable; the Judge shall cause the examination of such witnesses to be taken, notwithstanding the exception stated, and shall require the law officer, on completion of the trial, to declare in his Futwa the sentence to which the prisoner would have been liable if the evidence so objected to had been admissible under the Mohamedan law; but in such cases if the conviction of the prisoner depend

exclusively

5th, exclusively or principally upon the evidence of such witness, the Judge of Circuit not to pass sentence, but refer the trial to the Nizamut Adawlut, which Court, after taking a Futwa from the Law officer, is empowered to pass such sentence as may be deemed proper, under the preceding Section of this Regulation, and the general Regulations in force.

6th. C. 1st. The Law officers of the Court of Circuit in delivering their Futwas on trial for rape, adultery and other offences within the provisions of the Mahomedan law, for cases of *Zina* and *Fail-i-shuneea*, shall declare only whether the prisoner is legally convicted, or if not, whether there be strong ground of presumption arising either from voluntary confession or from the evidence.

C. 2d. If the Futwa declare the prisoner fully convicted, or there be strong presumption of his guilt, and the Judge of Circuit concur in the Futwa, and the case shall not appear to call for more severe punishment than what the Courts of Circuit are authorized

SENTENCE ON CONVICTION.

CULPABLE HOMICIDE.

PROSECUTION FOR ADULTERY.

SECTIONS	REGULATION XVII.
6th.	authorized to adjudge under C. 7, Section 1, Regulation 53, 1803, the Judge to pass sentence on the prisoner to suffer such punishment as may be deemed adequate to his offence, not exceeding the limitation specified in the Clause and Section above noticed.
C. 3d. Is not this inconsistent with the preceding Clause?	If the prisoner be convicted, or presumed guilty of rape, the Judge of Circuit *not* to pass sentence, but to refer the trial to the Nizamut Adawlut for the sentence of that Court.
C. 4th.	In cases of adultery the husband alone allowed to prosecute, and no charge preferred against the woman by any other person to be received by the Criminal Courts.
7th.	In explanation of Section 3, Regulation 4, 1797, and C. 2, Section 15, Regulation 7, 1803, the sentences passed by the Judge of Circuit in all cases of persons convicted of culpable homicide not amounting to murder, in which the prisoner may be declared

by

7th. the Futwa liable to Deyut or the price of blood, not to exceed the limitations specified in C. 7, Section 2, Regulation 53, 1803. If in any instance the punishment therein stated shall appear insufficient, the Judge of Circuit to refer the trial to the Nizamut Adawlut, as directed in similar cases in the Clause and Section above quoted.

8th. C. 1st. Clause 2, Section 5, Regulation 53, 1803, rescinded.

C. 2d. Vide C. 3, S. 2, and C. 2, S. 3, R. 12, 1816. Persons convicted of murder in prosecution of robbery, burglary or theft, liable to a sentence of death by the Nizamut Adawlut.

C. 3d. Persons convicted of robbery by open violence as defined in C 1, Sec. 3, Reg. 53, 1803, when accompanied by wounding or other corporal injury not occasioning homicide, and likewise when not so accompanied, under the provisions of the above Regulation, and Regulation 3, 1805, and Regulation 8, 1808, are liable to corporal punishment of 39 corahs, and to imprisonment and transportation for life; or if a police officer, or village watchman,

SECTIONS

REGULATION XVII.

8th.

watchman, he is subject to the enhanced punishment by Section 4, Reg. 3, 1805.

C. 4th.

Vide C. 3, S. 2, and C. 2, S. 3, R. 12, 1818.

Persons convicted of burglary, or theft, whether in a house, or from the person of another; as well as in all cases of robbery, not within the provisions of the Regulations for robbery by open violence; if the offence, or the attempt to commit the same, shall have been attended with an attempt to commit murder by any means whatever; or be accompanied with any wounding or aggravating corporal injury, so as to endanger life, the offender, who may be convicted to the satisfaction of the Nizamut Adawlut, shall be liable to the punishment of 39 çorahs, and imprisonment and transportation for life, as prescribed by Section 3, Regulation 8, 1808. The trials in all such cases to be referred to the Nizamut Adawlut, and the Judges of Circuit to proceed as directed by Section 4. Regulation 8, 1808, and other Regulations

in

Administration of Criminal Justice in certain Cases.

MITIGATION OF PUNISHMENT.

8th. in force, respecting prisoners who are liable to the sentence above stated, and the Judge to recommend any mitigation of punishment for which he may see grounds.

CONVICTIONS OF BURGLARY OR THEFT UNATTENDED WITH AGGRAVATING CIRCUMSTANCES ENDANGERING LIFE.

C. 5th. Vide C. 3 S. 2 & C. 2 S. 3 R. 12, 1818. Persons convicted before the Court of Circuit of any of the offences specified in the above Clause, but not attended with an attempt to commit murder, or with wounding, burning or other corporal injury, so as to endanger life, but which may have been attended with wounding or corporal injury in a less degree, the Judge of Circuit, concurring with his law officer in the conviction of the offender, to pass sentence without reference to the Nizamut Adawlut, not exceeding the punishment prescribed by C 1, Section 3, Regulation 1, 1811, namely, 39 corahs and imprisonment or banishment from the district for 14 years.

C. 6th. The above Clause not to empower the Courts of Circuit to pass sentence of conviction and punishment and order execution thereof,

SECTIONS		REGULATION XVII.
8th.		thereof, without reference to the Nizamut Adawlut in any case of robbery by open violence as defined in C. 1, Section 3, Regulation 53, 1803, or to authorize any enhancement of the prescribed penalties for burglary or theft, not attended with wounding or corporal injury, or with an attempt to commit murder.
	C. 7th. Vide C. 2 S. 3 R. 12, 1818.	The reference made to the Mohamedan law in cases of theft, under C. 1, Section 5, Regulation 53, 1803, not to preclude the Courts of Circuit from adjudging stripes not exceeding 39 corahs or ratans in addition to imprisonment not exceeding 7 years, when such punishment, in aggravated cases of theft, may appear proper.
9th.	C. 1st.	The provisions contained in Regulation 2, 1807, for the punishment of wilful perjury, subornation of perjury, forgery or procuring forgery, modified.

Persons

REGULATION XVII.

9th. C. 2d. Persons convicted of any of the above offences to be sentenced by the Court of Circuit to Tushheer (exposure), 30 corahs and imprisonment in banishment from the district for seven years, or for the offence of counterfeiting the coin of government, or of forging or procuring to be forged stampt paper, or any counterfeit Note or other Security for money in imitation of the public Securities, to be sentenced to 14 years, unless the Judge of Circuit shall be of opinion that any part of the prescribed punishment is too severe, in which case authorized to mitigate the sentence to imprisonment (with or without Tushheer) for not less than 7 years in any of the offences noticed, of counterfeiting Coin, Public Stamps, Securities, of Bank Notes, and procuration of such forgery—and to imprisonment (with or without Tushheer) for any period not less than 3 years in all other cases within the provisions of Regulation 2, 1807, and this Regulation.

C. 3d. If a further mitigation or remission of punishment shall in

any

9th. any case appear proper, the Judge of Circuit, concurring with his law officer in the conviction of the prisoner, to pass sentence according to the preceding Clause, and refer the trial with his sentiments at large for the final sentence or orders of the Nizamut Adawlut.

10th. C. 1st. The following provisions made for the punishment of persons convicted of knowingly and fraudulently uttering forged instruments, counterfeit Stampt Paper, Coin, Bank Notes, Promissory Notes, and other Securities for money.

C. 2d. Persons convicted before a Judge of Circuit of any of the offences specified in the above Clause, to be sentenced to imprisonment at the discretion of the Judge of Circuit, not exceeding 7 years; and in cases of an aggravated nature, or in a second offence to be sentenced to Tushheer, and, may further for such repeated offence, sentence the offender to stripes, not exceeding 30 corahs or ratans and for a third offence committed after two convictions

10th. tions and discharge, if the Judge of Circuit shall be of opinion that the offender should be imprisoned for a longer term than 7 years, to refer the trial to the Nizamut Adawlut, with his sentiments, in pursuance of C. 7, S. 2, R. 53, 1803.

C. 3d. The provisions in the above Clauses applicable to persons convicted of clipping, filing, drilling, defacing or debasing the Coin.

11th. Persons convicted before a Magistrate of having in their possession counterfeit Coin, or Stampt Paper, without lawful or satisfactory excuse, shall be sentenced to pay a fine equal to four times the value of such Coin or Stampt Paper, one moiety of which to be paid to the informer or informers, or, in default of payment, liable to imprisonment not exceeding six months, and the counterfeit Coin, or Stampt Paper to be forwarded to the Mint Master or the Superintendent of Stamps.

Rescinding

12th. C. 1st. Rescinding such part of Sec. 3, Reg. 2, 1807, or any other Regulation in force, as directs that offenders sentenced to imprisonment for a limited period, shall have the crimes of which they are convicted marked on their forehead by the process of Goodna.

C. 2d Convicts sentenced to imprisonment for life alone to be marked by the process of Goodna in the manner and for the purpose stated in Sec. 11, Reg. 4, 1797, and Sec. 35, Reg. 7. 1803.

C. 3d. Nizamut Adawlut empowered for any special reasons to exempt any persons sentenced to imprisonment for life from the process of Goodna.

C. 4th. Magistrates, when, and in what manner, to cause the process of Goodna to be performed, or renewed if effaced.

13th. C. 1st. In addition to the provisions of Sec. 26, 30, and 33, Reg. 12, 1807. (Rev.) persons convicted before a Court of Circuit, or the Court of Nizamut Adawlut, of having wilfully given a false deposition on oath, or a solemn declaration before any public officer authorized to take the same, liable to the punishment

declared

13th. declared in Section 9 of this Regulation, although such deposition may not have been relative to any judicial proceeding, provided it shall clearly appear to have been given falsely or criminally.

C. 2d. Any person convicted of having procured or caused another to commit the offence above noticed, shall be liable to the punishment declared in Section 9 of this Regulation for subornation of perjury.

14th. C. 1st. Recapitulation of Section 2, Regulation 3, 1801, and Section 3, Regulation 7, 1813, for the more effectual attainment of the objects of which provisions, the following additional rules enacted.

C. 2d. The rule contained in the above quoted Section applicable to all allegations of perjury or subornation of perjury against parties or witnesses in any civil suits or proceeding whatsoever before the Judge, or Register of a Zillah or City Court, Sudder Aumeen, Munsiff or Arbitrator, or any officer employed by a Civil Court, any local investigator or executioner of Civil process.

In

SECTIONS

REGULATION XVII.

11th. In all such cases the proceedings on which the alleged offence may be grounded, to be referred to the Judge by the officer before whom such proceedings may have been held, with his sentiments thereon, and if the Judge shall see cause for bringing the accused to trial, shall record his opinion to that effect; and shall direct whether the accused shall be admitted to bail (in qualification of the Rule in Section 5, Regulation 2, 1807) or otherwise. An authenticated Copy of the order passed by him with the whole of the original papers in the case, shall be transferred to the Magistrate, that the case may be brought before the Court of Circuit.

C. 3d. In like manner when the Judge of a Provincial Court or of the Sudder Dewanny Adawlut, or any single Judge of those Courts shall be of opinion that there are sufficient grounds in any Civil proceedings before them for bringing a party or witnesses to trial for perjury or subornation of perjury, shall record

14th. their sentiments to that effect, and direct whether the party shall be admitted to bail, or kept in custody; an authenticated copy of the order, with the whole of the original papers in the case, shall then be transmitted to the proper local Magistrate, to be proceeded on as above stated.

6. etc. The above restrictions against prosecutions for perjury in the Civil Courts (unless the officers presiding in such Courts shall be of opinion that there are grounds for such prosecution) extended to all charges of perjury or subornation of perjury against prosecutors or witnesses in the Criminal Courts, or before any public officer authorized to hold enquiries respecting matters of a criminal nature; and, in extension of the provision in Section 6, Regulation 2, 1807, the Judges of the Court at the Sudder station, or of the Nizamut Adawlut, or a single Judge of those Courts, respectively, empowered to direct the proper local Magistrate to commit to custody, or hold to bail, and to bring to trial before the Court

14th. Court of Circuit any person who, from proceedings before those Courts, may appear to have been guilty of the offences noticed; and the local Magistrates themselves vested with powers to commit or hold to bail for trial any persons who, on their own proceedings or that of their Assistants, may appear to have been guilty of perjury or of subornation of perjury; and the Magistrates are therefore prohibited from receiving and acting upon any charge of perjury alleged to have been committed in the course of any trial or enquiry of a criminal nature, except such as may come before them in the manner provided for by this Section.

C. 5th. Magistrates also restricted from receiving any charges of perjury alleged to have been committed before a Collector or other public officer, unless such officer shall transmit the proceedings with his opinion that there are grounds for believing

such

14th. such charge to be well founded, in which case, and, if the Magistrate after inspecting the proceedings, and making any further enquiry, shall be of the same opinion, he shall cause the accused to be brought to trial, and direct whether he shall be committed or held to bail.

C. 6th. In all cases provided for by this Section, the Magistrate to cause the Vakeel of Government to conduct the prosecution, if there be no private prosecutor to whom the Magistrate may judge it proper to leave the prosecution of the case.

15th. Rescinding Section 23, Regulation 16, 1795, (Benares) and so much of Sections 7, and 9, Regulation 21, 1795, as exempts Brahmins convicted of murder in the Province of Benares from capital punishment; but no Brahmin in the Province of Benares to be liable to a sentence of death for any offence committed prior to the promulgation of this Regulation; nor shall the execution of a sentence of death against a Brahmin take place at any time within

EXECUTION OF CAPITAL SENTENCES IN BENARES.

EXTENSION OF RULE FOR A SITTING OF 2 JUDGES OF NIZAMUT ADAWLUT IN CERTAIN CASES.

SECTIONS		REGULATION XVII.
15th.		within the limits of ground held sacred by the Hindoos, the Magistrate enjoined to execute all sentences of death against Brahmins at some convenient place situated without such limits.
16th.		Rescinding C. 5, Section 7, Regulation 53, 1803, and Section 8, Regulation 8, 1808.
17th.		Provisions contained in Section 6, Regulation 8, 1808, for a Sitting of two or more Judges of the Nizamut Adawlut in cases therein noticed, extended to all cases in which a Circuit Judge before whom a trial may be held shall recommend a mitigation of punishment upon grounds which a single Judge of the Nizamut Adawlut holding a Sitting of that Court may deem insufficient. In such cases the opinion of a second Judge to be taken, who is to examine the proceedings in the trial as far as may be necessary to enable him to form a judgment upon the stated grounds of mitigation.
18th.	C. 1st	A single Judge of the Nizamut Adawlut concurring with a Judge of Circuit before whom the trial may have been held, empowered

18th.

empowered to grant a mitigation of punishment when it may appear proper, in like manner as two Judges of the Nizamut Adawlut are empowered by Section 3, Regulation 14, 1810.

C. 2d.

A similar power may be exercised by a single Judge of the Nizamut Adawlut sitting on a Criminal trial under Section 6, Regulation 8, 1808, if proper on the grounds stated in Section 3, Regulation 14, 1810, although a mitigation or remission of punishment be not proposed by the Judge of Circuit referring the trial, but the grounds of such mitigation or remission to be recorded and communicated to the Court of Circuit, as required by the above mentioned Section of Regulation 14, 1810.

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REGULATION XX.

Powers and duties of Police Darogahs defined.

2d. C. 1st. Rescinding the following Sections of Regulations — Sections 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19 and 21, of Regulation 22, 1793,—Clause 7, Section 20, Regulation 29, 1793,—Clause 7, Section 10, Regulation 31, 1793, —Sections 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, Regulation 17, 1795,—Section 9, Regulation 4, 1797—Section 6, Regulation 4, 1798—Clause 3, Section 11, Regulation 6, 1801—Section 7, Regulation 32, 1803—Sections 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 25, Regulation 35, 1803—Clause 7, Section 10, Regulation 37, 1803—Sections 5 and 6 Regulation 41, 1803—Sections 12, 13, 15, 16, 17, 18, Regulation 9, 1807—Sections 9 and 12, Regulation 14, 1807—Sections 6, and 7, Regulation 17, 1810 and Sections 2, and 7, Regulation 7, 1811.

C. 2d. So much of Sections 10 and 16, Regulation 22, 1793—Sections 10 and 15, Regulation 17, 1795—Section 9, Regulation 7, 1799—Section 3, Regulation 4, 1800—Sections 10 and 16, Regulation 35, 1803—Section 14, Regulation 9, 1807, and Section 11, Regulation 1, 1811, as respects the Police Darogahs or other subordinate Officers of the Police, is also rescinded.

APPOINTMENT and Removal of Police Officers.

Appointment and removal of Police Officers in whom vested.

3d. C. 1st. Such

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Police Darogahs.

2d. C. 2d. Such part of Section 12, Regulation 5, 1804, as relates to the nomination and removal of Naibs, Jemmadars, and Burkundauzes, acting under Cotwals and Darogahs, is hereby rescinded. Cotwals and Darogahs not to nominate their subordinate Police Officers except when specially directed.

C. 3d. Sunnuds to be furnished by the Magistrates to the Police Officers upon their appointment.

RELATIVE rank and general functions of officers of the Thannah establishments.

4th. C. 1st. General duties of Darogahs, and their control over the subordinate Thannah Officers.

C. 2d. Rank and special duties of the Mohurir.

C. 3d. Rank and special duties of the Jemadar.

C. 4th. Police Officers generally to obey the orders of the Superintendent of Police and Joint and Assistant Magistrate.

RULES regarding the use of the Seal of Office at each Thannah, and the Badges, Arms or Accoutrements of the Police Burkundauzes.

Cotwals

SECTIONS		REGULATION XX.
5th.	C. 1st.	Cotwals and Police Darogahs to use a Seal of office. Description of Seal.
	C. 2d.	What description of Badge, Arms and uniform to be worn by Police Burkundauzes.
		POWERS and Duties of Police Officers employed at Outposts.
6th.	C. 1st.	Police Officers stationed at Outposts how guided in the discharge of their duties.
	C. 2d.	To perform their prescribed duties under the control of the Darogahs.
	C. 3d.	May apprehend certain description of criminals without a warrant from the Magistrate or Darogah.
	C. 4th.	Persons apprehended to be forwarded immediately to the Thannah, with a report on the case.
		RULES regarding Applications of the Police Officers for leave of absence, and the deputation of Burkundauzes to the Sudder Station.
7th.	C. 1st	Appointment and Salary of persons officiating for Police officers how regulated.

Burkundauzes

7th, C. 2d. Burkundauzes despatched to the Magistrate's Court to be furnished with a certificate (form No. 1 Appendix).

C. 3d. Which is to be presented to the Nazir who shall report any delay.

C. 4th. Burkundauzes how to proceed on leaving the Sudder Station.

RECORDS to be kept and preserved at the Thannah.

8th. C. 1st. Police Darogahs and Mohurers carefully to preserve and promulgate all Regulations of Government sent to their Thannahs.

C. 2d. Rules for the care, preservation and inspection of the Thannah books and registers.

C. 3d. Darogahs to be furnished with blank books for Diaries.

C. 4th. In which every occurrence to be entered.

C. 5th. What circumstances to be entered when persons are apprehended.

C. 6th. The purport of every petition &c. to be entered; penalty for the Darogah's wilful omission, or misrepresentation of any official act.

C. 7th. Entries how to be attested.

C. 8th. Rules for furnishing new Diary Books when required.

A Book

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8th. C. 9th. A Book to be kept containing copies of all Urzies, Kyfeeuts Reports and Returns &c. made to the Magistrate.

C. 10th. A Book to be kept containing copies of Purwannahs and Orders.

C. 11th. A Book to be kept containing copies of Chelauns (Forms Nos. 2 and 3 Appendix).

C. 12th. A Book to be kept containing Registers of heinous offences (Form No. 4 Appendix.)

C. 13th. Ditto containing copies of all lists of stolen property delivered at the Thannahs.

C. 14th. Ditto containing a register of proclaimed offenders &c. (Form No. 5, Appendix)

C. 15th. Ditto of the names of villages comprized within the Thannah jurisdiction with the names of the proprietors and village watchmen (Form No. 6, Appendix.)

RULES regarding returns, reports and statements, to be sent to the Magistrates, or the Superintendents of Police.

9th. C. 1st. What monthly abstracts or other documents shall in future be

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be transmitted to the Magistrate by the Darogahs.

C. 2d. A list of Thannah Officers entitled to Pay to be sent monthly to the Magistrate. Rules for their Pay. (Form No. 7 Appendix.)

C. 3d to 10th. Rules to be observed and classification of offences in preparing the Monthly Abstract Statement of heinous crimes (Form No. 4, Appendix.)

C 11th. All heinous offences to be reported, though the offenders not discovered. Unsuccessful attempts to commit offences how to be distinguished.

C. 12th. Periodical reports to be transmitted by the Darogahs to the Superintendents of Police (Form No. 4, Appendix.)

C. 13th. Rules for writing and dating all reports and examinations to be transmitted to the Magistrate.

C. 14th Rules to be observed in transmitting papers to the Foujdary Court.

C. 15th. Limited time for the execution of orders and processes to be specified by the Magistrate.

C. 16th Return to orders how to be written and registered.

C. 17th In the event of delay in making such Returns the cause to be reported

reported at the expiration of the time specified.

C. 18th. Reports to be accurate and concise.

RULES regarding Dawks, and for expediting the transmission of Official papers to and from the Thannahs.

19th. C. 1st. Specification of the objects of the following Rules.

C. 2d. Superintendence of dispatches by Dawk in whom vested.

C. 3d. All Government Dawk Officers throughout the Provinces to convey orders and reports free of expence.

C. 4th. Establishment of subordinate Dawk Stations, Peons, and Pykes to be appointed by Zemindars for this duty where there is no general Dawk.—Duties of Darogahs on this point.

C. 5th. Penalties in cases of land-holders, &c. neglecting the above rules.

C. 6th. Rules to prevent delay in the transmission of papers by such Dawks.

C. 7th. Further rules for the transmission of Thannah reports.

C. 8th. Darogahs to transmit, by Dawk or otherwise, reports

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Police Darogahs.

or papers entrusted to them by the native Commissioners.

PROHIBITING various irregular practices on the part of the Police Officers.

11th. C. 1st. Police Officers not to trade or keep any shop within the limits of their jurisdictions.

C. 2d. Darogahs not to employ Burkundazes on their own private affairs.

C. 3d. Penalties for a Public Officer receiving, or demanding, money from any parties in serving criminal processes.

C. 4th. Darogah to prohibit the permanent employment, at his Thannah, of the agent of any land-holder or farmer.

C. 5th. Without special authority no Darogah shall employ a Vakeel at the Magistrate's Court on official business.

C. 6th. Except in cases of emergency no extra Mohurer to be employed at the Thannahs without the sanction of the Magistrate.

C. 7th. No professional spy to be employed by Darogahs, without express

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		express sanction of the Magistrate, but to encourage individuals to give information with a view to the apprehension of heinous offenders.
		CHARGES not cognizable by Police Officers.
12th.	C. 1st	Darogahs prohibited from taking cognizance of charges for adultery, fornication, calumny, abusive language, slight tresspass, and inconsiderable assaults.
	C. 2d.	Persons preferring complaints of the above description to be referred to the Magistrate.
	C. 3d	Police Officers prohibited from admitting compromises, from interfering in any matter not authorized by the Regulations, and from inflicting punishment and exacting money.
		GENERAL DUTIES of Police Officers on receiving charges or information of heinous crimes.
13th.	C. 1st	Darogah on receiving information upon oath or declaration of

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13th. of any crime cognizable by him shall enquire into the circumstances and examine without oath, publicly or privately, the witnesses to the fact.

C. 2d. Evidence not to be detailed, but the substance only to be transmitted to the Magistrate.

C. 3d. Sketch of the spot to be transmitted under certain circumstances, and date of occurrence to be accurately noted.

C. 4th. Darogahs not to swear witnesses, except in cases sanctioned by the Regulations.

C. 5th. Darogahs to endeavour to dispatch all evidence and to secure the attendance of witnesses in due time, so as to prevent delay in the enquiry.

C. 6th. When the offenders are unknown or not apprehended, the witnesses to the local enquiry shall not be sent to the Magistrate or bound over to attend.

C. 7th. Persons and other particulars of known, but absconding offenders, shall be accurately described.

C. 8th. Separate report to be made when a person shall in the course of an enquiry, appear to have been guilty of more than one offence

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13th, offence, or when Zemindars, their local Agents, or other persons shall have neglected to report,

C. 9th. If any persons sent to the Magistrate's Court shall be known to have been before apprehended, the date of the former case shall also be reported.

C. 10th. Rules when Darogahs shall have occasion to leave their Thannahs. Report to be dated in the current Era of the District.

RULES for holding Inquests on occasions of murder, homicide, wounding and unnatural deaths.

14th. C. 1st Land-holders, or other principal persons in Villages, held responsible for the early communication of unnatural or other suspicious deaths; penalties for neglect.

C. 2d. On receiving information in such cases the Darogah immediately to proceed in person, or dispatch an officer to the spot.

C. 3d. Connexions or neighbours to be questioned in the first instance.

Individuals

1817	Sections		Regulation XX.
	14th	C. 4th.	Individuals severely wounded, to state the circumstances upon oath.
		C. 5th.	Rules for inspecting the body of the deceased or of the wounded person.
		C. 6th.	Rules for description of place where the body was found.
		C. 7th.	If the deceased be a stranger, to ascertain where he was last seen.
		C. 8th.	If offenders shall not be speedily discovered, to ascertain whether any person in the neighbourhood bore enmity to the deceased.
		C. 9th.	The Sooruthal to be attested by the Darogahs or by the Police Officers, and by a sufficient number of people who may have been present.
		C. 10th.	In cases of Murder, the instrument or weapon to be procured, if possible.
		C. 11th.	Assistance to be procured for wounded persons, and not to be removed so long as risk attends it.
		C. 12th.	Rules for the disposal of the body in cases of murder, or of unnatural death.
			Enquiries to be made by the Police Officers in cases of Gang Robbery, Burglary, or other heinous offences.
	15th.	C. 1st.	In cases of Robbery by open violence and certain other heinous

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heinous offences, Darogah will proceed to the spot or despatch an officer.

15th. C. 2d. Detail of the enquiries to be pursued in such cases.

C. 3d. Such enquiries to be committed to writing, and attested by three or more respectable inhabitants of the neighbourhood.

C. 4th. Caution against information being withheld in the first instance.

C. 5th. Instances of burglary or thefts, or attempts, shall be reported.

C. 6th. Accuracy to be observed in the date of the offence and description of the circumstances.

C. 7th. Information to be required from the Zemindars and others.

SEARCH for plundered Property, &c.

16th. C. 1st. Search for stolen property how to be conducted.

C. 2d. Without a written declaration, officers shall not search the interior of any building, except by special order of the Magistrate.

C. 3d. Execution of Search Warrants to be reported.

C. 4th. Representation regarding stolen property to be sent to the Magistrate for his orders.

Rules

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	16th.	C. 5th.	Rules relating to the Search, and what persons to be present.
		C. 6th.	Surreptitious introduction of articles into the house to be carefully guarded against.
		C. 7th	Rules to be observed in searching Zenanahs.
		C. 8th	The person in whose house property alleged to be stolen is found, being unable to give a satisfactory account of the same, shall be forwarded to the Magistrate.
		C. 9th.	Rules for the disposal of unclaimed suspicious property.
		C. 10th.	All particulars regarding property so found shall be carefully transmitted to the Magistrate.
		C. 11th.	Rule for transmission of valuable articles of small bulk.
		C. 12th	Claimed or suspected property only shall be removed. Not to be restored without the Magistrate's order.
		C. 13th.	In heinous cases a list of property plundered to be affixed in a conspicuous place and due notice given.
		C. 14th.	Enquiries to be made from persons in whose possession the property may be found.

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Person

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16th.	C. 15th.	Person finding suspicious property in his own house or premises, how to proceed.
	C. 16th.	Unclaimed property to belong to Government. Rules for it's transmission.
	C. 17th.	Ten per Cent of the value of stolen property to be granted to the recovering officers. The property how valued, and the payment of the Commission provided for.
		DUTIES of Police Officers with regard to Coiners and Utterers of base Coin.
17th.		Darogahs to search houses of persons accused, upon credible information, and transmit to the Magistrate Coins, implements and accounts, together with offenders.
		DUTIES of Police Darogahs in the prevention or suppression of affrays or riots.
18th.	C. 1st	Officers of Police to be present at Fairs, Festivals, &c.

1817	SECTIONS	REGULATION X
	18th C. 2d.	On notice given of intended affray, police officer shall require Zemindars to disperse the people on pain of confiscation of the matter in dispute.
	C. 3d.	Or he shall himself endeavour to induce them to disperse, and to submit their dispute to arbitration, and shall proclaim aloud the consequences of a breach of the peace and take certain measures to mark the guilty.
	C. 4th.	Darogahs shall not depute Burkundauzes to defend the property of either party.
	C. 5th.	Disputed land or crops to be described and boundaries sketched.
		DUTIES of Police Officers on receiving confessions and on the treatment of prisoners generally.
	19th. C. 1st.	Examination of prisoners to be taken without oath in the presence of three or more credible witnesses. Rules in cases of voluntary confession.
	C. 2d	Compulsion, or holding out hopes or fears to induce confession, strictly prohibited. Penalties on conviction of such offence.
	C. 3d.	Special reason must be stated if the confession be received at

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SECTIONS.

[illegible] night or in any other place than the police Thannah.

[illegible] C. 4th. Darogah may make private verbal communications.

C. 5th. Prisoners confessing to be kept separate.

C. 6th. Witnesses to be carefully bound over.

C. 7th. Thannah prisoners how confined.

C. 8th. Prisoners of atrocious character may, in the night time, be confined in stocks.

C. 9th. They may also be forwarded in light hand-cuffs.

C. 10th. A strict account to be taken of any unnecessary severity.

C. 11th. Rate of travelling for Prisoners.

C. 12th. Head men and others shall provide for the custody of prisoners passing thro' their estates or villages.

CC. 13th. What diet money to be allowed to prisoners unable to support themselves during their journey.

C. 14th. Rules for their being delivered to the proper officer upon their arrival at the Sudder station.

C. 15th. Prisoners sent from one station to another to be conveyed from Thannah to Thannah under the charge of police Burkundauzes.

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19th C. 16th. No prisoner shall be detained at the Thannah Cutcherry more than 48 hours.

C. 17th. Persons apprehended, whether bailed or not, shall be reported; and shall not be discharged except on bail, or under special orders of the Magistrate.

RULES relating to notorious offenders and to vagrants—their apprehension and discharge.

20th. C. 1st. Extended by C. 1, 2, 3 & 4, S. 7, R. 3, 1821. Darogahs in every district to forward to the Magistrate all notorious characters.

C. 2d. Credible information being given of such characters, the Darogahs are to make private enquiries. If they see fit shall apprehend the person, and as he may account for himself, shall discharge or forward him to the Magistrate.

C. 3d. The foregoing rule not to authorize the enquiries provided for in the next Clause.

C. 4th. Police officers when directed to make a local enquiry, shall take evidence as to the suspected person's mode of life.

This

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20th. C. 5th. This report, if favorable, shall alone be transmitted to the Magistrate, if not, witnesses shall be immediately bound over to appear.

C. 6th. Persons of bad or suspicious character discharged from confinement, are to be released in presence of the head men of their villages. Also shall be liable to a penalty for neglect of giving certain information herein prescribed.

C. 7th. To what penalties liable.

C. 8th. Darogahs to apprehend all vagrants.

C. 9th. On receiving information of their resort, care to be used in their apprehension and examination.

C. 10th. When names are not known, Darogah may apprehend without a specific warrant: when large bodies of vagrants are assembled, he shall apply for assistance to the land-holders or nearest police officers.

C. 11th. In what cases the Darogah empowered to admit such persons

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bail and to wait the Magistrate's orders.

20th. C. 12th. Darogahs enjoined to be careful in the execution of this duty.

VILLAGE WATCHMEN.

21st. C. 1st. Darogah to keep a complete list of Village Watchmen. Zemindars, or other authorized persons, to nominate a successor on the occurrence of a vacancy.

C. 2d. Village Watchmen subject to Police Darogahs.

C. 3d. Rule for the delivery of the reports of Watchmen residing at a certain distance from the Thannah.

C. 4th. Occurrences reported by the Village Watchmen to be entered in the Thannah Diaries.

C. 5th. Proclaimed offenders, and those taken in the commission of public offences shall be apprehended and sent to the Thannah by the Village Watchmen, who shall give the earliest intelligence of the residence of offenders and commission of crimes.

C. 6th. Rule for receiving the reports of the Village Watchmen.

C. 7th. Supervision to be exercised by the Darogah; penalty upon proof

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proof of negligence, or abuse, by a Village Watchman.

21st, C. 8th. Watchmen not to be employed on the Darogah's private concerns.

C. 9th. In places where regular Police establishments may be stationed, duties of watching by whom to be performed.

C. 10th. The Village Watchmen to resist robbers to the utmost of their power; and to require the headmen to lend their assistance in the pursuit and apprehension of criminals. Penalty for their refusal not exceeding limitation specified in Section 19, Regulation 9, 1807.

CONCURRENT jurisdiction of Police Darogahs.

22d. C. 1st. Darogahs to transmit intelligence of heinous crimes (if the perpetrators be not apprehended) to neighbouring Thannahs.

C. 2d. And may pursue into other Thannahs or Zillahs.

C. 3d. Under what circumstances a concurrent jurisdiction to be exercised.

C. 4th. Rule in the case of Darogah's apprehending offenders within

within the jurisdiction of another Magistrate.

22d. C. 5th. Rule with regard to Invalid Thannahs.

PROSECUTORS AND WITNESSES.

23d. C. 1st. Subpœnas how and by whom served.

C. 2d. Rule for the execution and delivery of recognizances of witnesses and of prosecutors.

C. 3d. Darogahs shall in certain cases require bail from prosecutors for their appearance before the Magistrate, or in default to be forwarded to the Magistrate.

C. 4th. Witnesses shall be subject to no restraint, nor required to give security. Penalty for refusing to execute recognizance.

SUMMONS.

24th. C. 1st. On complaints preferred to a Darogah supported by oath or solemn declaration, summons shall be issued by a single Burkundauz and not by the party complaining.

C. 2d. When Bail is not required, an acknowledgment of receipt of the process is sufficient.

Form

21th. C. 3d. Form of Bail for different offences. Bail not to be excessive.

C. 4th. What warrants shall be issued in cases of persons neglecting summons.

C. 5th. In case of absence or absconding of the offender, Darogah shall require from the head person of the village an engagement that he will deliver him up on his return, or give information of his appearance.

C. 6th. Penalty for failure in this engagement.

Arrest of Persons and Bail.

25th. C. 1st In charges of a heinous nature made on oath, or on solemn declaration, and under certain circumstances, a *Warrant to be issued.*

Rule extended by Clause 1, S. 7, R. 12, 1818.

C. 2d. Warrant by whom to be served and how to be executed.

C. 3d. Darogah to require assistance of land-holders and others when necessary.

C. 4th. Offenders taken in the act to be apprehended without a written warrant.

C. 5th. Dwelling houses not to be forcibly entered, except in cases of necessity.

Zenanas

25th. C. 6th — Zenanahs shall not be entered except upon credible information that offenders are there concealed, and the women to be previously allowed to withdraw.

C. 7th. — Abuse of this power subject to exemplary punishment.

C. 8th. — In what cases bail shall not be accepted.

C. 9th. — Form of Bail-bond.

C. 10th. — Persons wounding or slaying public offenders in self defence, not to be proceeded against, except under special orders of the Magistrate.

C. 11th. — In cases of manifest necessity, security for peaceable conduct shall be required in addition to bail. Form of recognizance to keep the peace.

RESISTANCE or Evasion of Criminal Process.

6th. C 1st. — Persons resisting process shall be apprehended and sent to the Magistrate; in extreme cases neighbouring Thannah officer shall be required to assist.

C. 2d. — Provisions of Sections 2 and 4, Regulation 11, 1796, and Sections 2 and 4, Regulation 3, 1804, modified as follows.

Property

Police Darogahs.

26th. C. 3d. Property in other Zillahs of land-holders resisting process shall be liable to confiscation under the confirmation of Government and of the Nizamut Adawlut.

C. 4th Property in land in all other Zillahs of persons absconding or concealing themselves, liable to attachment with a view to cause their appearance.

C. 5th. Discretion vested in the Magistrate to award a fine not exceeding 200 Rupees, commutable in default of payment to imprisonment not exceeding 6 months in lieu of forfeiture of lands.

C. 6th. Moveable property of persons not being proprietors of land evading or resisting process, liable to immediate attachment in cases of suspicion of intended removal.

C. 7th But till the Magistrate's orders be known, the Darogah shall only prevent removal.

C. 8th Rule of proceeding in making the attachment.

C. 9th. Property to be carefully preserved and strict account rendered, whenever the party shall be entitled to receive it back.

C. 10th. In the event of non-appearance or evasion, property to be sold

Police Darogahs.

26th. sold, for payment of the fine, or benefit of Government.

C. 11th. Rule for proclaiming the Magistrate's order for appearance.

C. 12th. On non-appearance the Darogah to report, at the expiration of the period of proclamation, the due promulgation, with witnesses.

C. 13th. Darogahs to assist Zemindars required by the Magistrate to produce offenders; they shall also receive charge from them of prisoners, in conformity with C. 6, Section 9, Regulation 3, 1812.

C. 14th. Darogahs or other Police Officers, killing or wounding proclaimed offenders, or other heinous offenders, who may resist the execution of a legal warrant on any charge of murder, robbery, &c. to be held guiltless.

C. 15th. Rewards for the apprehension of proclaimed persons to be paid by the Magistrate of the Zillah or City in which the offender may be apprehended.

DISTRAINT for Arrears of Land Rent.

27th. C. 1st. Section 8, Regulation 3, 1812, rescinded, and Sections 9, 10, & 11, Regulation 7, 1799, and Sections 9, 10, & 11, Regulation 5, 1800, and Sections 17, and 19, Regulation 28, 1803, modified.

Darogahs

27th. C. 2d. Darogahs shall issue a written process upon occasion of resistance made or apprehended to an authorized Distrainer.

C. 3d. Deputed Muzkooree Peons shall attend to the proceedings of the Distrainer.

C. 4th. Resistance being offered to the Peon, the Darogah, Mohurer or Jemadar shall proceed to his assistance—those officers only shall search dwelling houses for distrainable property.

C. 5th. Burkundauzes shall assist in distraint under orders of the Darogahs, Mohurer or Jemadar only.

C. 6th. Land-holders, Indigo planters or others shall not use stocks or other instruments of restraint.

C. 7th. Allowance and mode of payment of Peons employed in distraint, not in the Service of Government.

ABKARREE.

28th. C. 1st. Darogah shall assist, on the oath of an authorized Revenue officer, in distraint for arrears of Abkarree Revenue.

Further

Police Darogahs.

28th. C. 2d. Further rule for the assistance of Revenue Officers.

C. 3d. In such cases Zennanahs of respectable persons shall not be entered.

C. 4th. Conditions of Licenses to be observed by venders of spirituous liquors.

C. 5th. Darogahs to report any infractions of the prescribed conditions.

Execution of Criminal Process in the Commercial, Salt and Opium Departments, and duties of Darogahs relating to these Departments.

29th. C. 1st. Security for the appearance of persons employed under the Commercial Residents accused of bailable offences, how to be given.

C. 2d. In such cases the accused shall not be forced to appear until after the manufacturing season.

C. 3d. Rules for serving summons on witnesses employed in the Company's Aurungs and form of their recognizance.

C. th. Warrants for offences not bailable shall be served upon persons

Police Darogahs.

29th. so employed as upon others; the Darogah giving notice to the Resident or Agent.

C. 5th. The Darogahs to assist in the seizure of illicit Salt.

C. 6th. Shall also give notice of all illicit importation, adulteration or manufacture of Salt.

C. 7th. But shall not seize in the first instance of their own authority, except in certain cases.

C. 8th. Penalty for unwarranted seizure of Salt by Darogahs.

C. 9th. Darogahs enjoined to suppress the illicit cultivation of Opium.

C. 10th. Shall also report cases of the cultivation of the Poppy.

C. 11th. And take security for the appearance of the offenders before the Revenue Officers.

C. 12th. Penalty for any Darogah conniving and omitting to send information.

MISCELLANEOUS Rules regarding Forts, Armed Men, Military Stores, Dress of Sepahies or Lascars; and Badges, Public Roads, and Insane Persons.

30th. C. 1st. Darogahs shall report all circumstances that shall appear to be dangerous to the public peace.

Shall

Police Darogahs.

30th. C. 2d. Shall apprehend all unauthorized persons dressed as Company's Sepahies.

C. 3d. What persons in the Company's service (may or) may not wear the Company's uniform when not employed on public duty.

C. 4th. Persons not in the service of a Civil or Military Officer shall be apprehended when wearing a Badge or Chupprass.

C. 5th. Darogah shall report encroachment on the public roads.

C. 6th. Persons dangerously insane shall be sent to the Sudder station; unless the friends of the party enter into engagements to prevent their doing mischief.

JUDGES OF CIRCUIT AND EUROPEANS.

31st. C. 1st. Respect to be shewn by the Police Officers to the Judges of Circuit in their progress on the Circuit.

C. 2d. Darogahs to report the arrival and proposed residence of any European not in the Company's Service.

C. 3d. Form of statement to be presented by Darogahs to European

Police Darogahs.

pean residents at the close of each English year.

31st. C. 4th. Statements to be forwarded to the Magistrate.

DESPATCHES OF TREASURE.

32d. C. 1st. Darogahs to afford assistance and protection to despatches of Government Treasure.

C. 2d. And as far as possible to despatches of Bankers and Merchants.

RULES relating generally to Landholders and Managers of Estates.

33d. C. 1st. Darogahs to inculcate upon Landholders their duties in giving information of crimes, apprehending offenders, and preventing affrays.

C. 2d. With this view the Magistrates to furnish the Darogahs with extracts or copies of certain Regulations.

C. 3d. Zemindars entrusted with the charge of the police to be furnished

u to obey this Regulation.

Police of Cities.

ice officers in cities and towns to be guided by this Regulation, as far as may be applicable to them.

Police

Individuals

Confinement of State Prisoners.

[illegible]

C. 1st. [illegible] Individu[illegible]

by a warrant of [illegible]

vernor General in [illegible]

Secretary or any of the [illegible] Government.

C. 2d. Form of Warrant.

C. 3d. Such Warrant to be sufficient authority for the detention of any State prisoner.

3d. Officers in whose custody State prisoners may be placed to submit to Government periodical reports.

4th. C. 1st. State prisoners in the custody of any Zillah or City Magistrate to be visited by the Judge of Circuit at the Sessions, who may issue any orders concerning their treatment, not being inconsistent with the orders of the Governor General in Council.

C. 2d. State prisoners in custody of a public officer not being a Zillah or City Magistrate to be visited by such person as may be nominated by Government for that duty.

Representations

ATTACHMENT OF LANDS OF PERSONS NOT BEING STATE PRISONERS.

SECTIONS	REGULATION III.
6th.	Representations which may be made by State prisoners to be submitted to Government.
6th.	Early report to be made to Government regarding the confinement, the health and allowances granted to State prisoners.
7th.	The allowance fixed for the support of a State prisoner to be duly appropriated to that object.
8th.	The provisions contained in Sections 3. to 7. of this Regulation, applicable to persons who are now confined as State prisoners.
9th.	Government may order the attachment of any estate, jaghire, or lands of any Zemindar or other person without any previous decision of a Court of Justice. Rule to be observed on such occasions.
10th.	Estates or lands so attached to be placed under the management of the officers of Government in the Revenue Department.
11th.	And not liable to be sold on account of Decrees of the Civil Courts

SECTIONS

REGULATION III.

Courts or otherwise, whilst under attachment.

10th.

C. 3d.

The Government will make such arrangement as may be proper for the satisfaction of the decrees of Civil Courts in such instances.

11th.

Rules to be observed for adjustment of accounts of collections in cases where Government may order the release of attachment.

1818 | SECTIONS

REGULATION VI.

Persons charged with Crimes.

CALENDER OF PERSONS UNDER EXAMINATION

2d. C. 1. An additional Calender of persons in confinement under examination upon criminal charges to be submitted to the Judge of Circuit at the commencement of each Jail Delivery—and what particulars to be therein specified: the Judge of Circuit to call for and inspect the Magistrate's proceedings in any case therein noticed which may appear to require it, and issue such orders as shall appear proper with a view to a decision on the case.

C. 2. The Judges of Circuit to give due attention to any reasons assigned by the Magistrate for not passing a final order on such cases.

[illegible] The powers vested in two or more Judges of Circuit at the Sudder station under Sec. 23, Regulation 9, 1807, subject to the following limitations.

[illegible] Judges of Court of Circuit at the Sudder station not competent [illegible] commitments regularly made by a Magistrate [illegible]

But

1818

Detention of Persons accused.

BAIL.

PLEADINGS BY VAKEEL.

SURETIES.

SECTIONS	REGULATION VI.
3d. C. 3.	But may instruct the Magistrate to admit to bail any persons whose cases appear to be of a bailable nature, or for special reasons, although not declared bailable.
C. 4. Vide S. 17. R. 27. 1814 (Dewy)	And may comply in the first instance with applications from parties held to bail to plead upon the trial *by a vakeel* instead of attending in person, when strong and sufficient reason may be stated; but the Judge of Circuit holding the sessions at all times competent to require the personal attendance of the defendant.
4th. C. 1.	When persons held to bail shall fail to attend at the appointed time, the Magistrate to call upon the sureties and report to the Judge of Circuit, [illegible] Magistrate to be guided in enforcing the penalty [illegible] otherwise.

The

1818	Sections	Regulation VI.
Penalty recoverable by civil process.	4th, C. 2d,	The amount of the penalty from surety to be recovered by attachment and sale of his property as in civil process; and, if the amount cannot be so realized, surety liable to confinement in the civil jail, not exceeding six months.

Such

Requisition of Security for good behaviour.

S. 2. C. 1. Such part of Clause 6, Sec. 2, Regulation 53, 1803, as empowers the Courts of Circuit to require security for good behaviour, from persons charged with, but not convicted of a specific offence, on the ground of strong suspicion of their having committed such offence, but independently of any proof of notorious bad character, is rescinded, and Criminal Courts prohibited from requiring security for good behaviour from such persons in future.

C. 2. The Courts of Circuit not prohibited from requiring security from persons tried and acquitted by them, who may be proved to be persons of notorious bad or dangerous character.

3d. In every instance in which security for good behaviour may be required by the Magistrates, the Courts of Circuit or the Nizamut Adawlut, the amount of the security, the number of the sureties, and the period of time for which they are to be responsible to be specified.

Security for good behaviour.

4th. The period of time for the eventual detention of such prisoner in custody in failure to give security, to be in every instance specified, except when the prisoner shall appear to be a notorious robber, a character whose release without security would be evidently unsafe and objectionable.

5th. C. 1. The Magistrates empowered, when they may deem proper, to release such persons, although the security be not furnished, when the order for detention may have been passed by themselves or by any other Magistrate.

C. 2 But not to exercise that authority if the order shall have been pased by the Courts of Circuit or Court of Nizamut Adawlut; but shall, either bring the case before the Court of Circuit, as prescribed by Section 11, Regulation 53, 1803, or make an immediate report of the case, with his sentiments to that Court.

6th. C. 1. Prisoner confined for security in the zillah in which he has been accustomed to reside, or shall have been apprehended, shall

not

Security for good behaviour.

REMOVAL OF PRISONERS

6th. not be removed to the jail of another zillah, unless sanctioned by the Nizamut Adawlut, in compliance with the prisoner's own request, and with a view to enable him the more easily to furnish the security required.

C. 2. But above rule not to preclude the removal of such prisoners from one station to another in cases in which the Nizamut Adawlut may consider it expedient, on account of their health, or safe custody, or other emergent circumstances.

SURETIES

7th. Sureties may be discharged from their responsibility by delivering up or causing to be delivered up, the person for whom they may have become responsible, to the proper Magistrate or Police officer, or on giving timely information to the Magistrate of the nature herein specified.

8th. C. 1: The period of detention for security in ordinary cases decided by the Magistrate, not to exceed one year.

The

Security for good behaviour.

C. 2. The Judge of Circuit holding the sessions, may, on petitions presented by the prisoners, examine the proceedings of the Magistrate in such cases, and annul, modify, or confirm the orders of the Magistrate.

9th. C. 1. If the Magistrate shall be of opinion, on consideration of the highly dangerous character of a prisoner, that it would be unsafe to release him without security, at the end of 12 months, to record his opinion to that effect, specifying the amount of security and number of sureties, and period which, in his judgement, should be required.

C. 2. If the required security be not furnished by the prisoner before the next sessions, the proceedings in the case to be laid before the Judge of Circuit, who will confirm, modify or annul the orders of the Magistrate, as he may judge proper.

If

Security for good behaviour

9th. C. 3. If the Judge of Circuit shall not deem it safe to direct the immediate discharge of the prisoner, he shall for a limited period, order his provisional detention, but never exceeding three years, except in cases specified in the following Section.

10th. C. 1. Extended Vide Sec. 2. R. 3. 1819 If the prisoner shall appear to be a notorious *gang robber*, who in default of giving substantial security, should be confined indefinitely, in pursuance of Sec. 9, Regulation 8, 1808, he shall order the same accordingly.

C. 2. But in such cases, the Judge of Circuit to fix the amount of security to be required, and shall direct that at the expiration of three years, if the prescribed security be not furnished, the prisoner be again brought up before the Judge of Circuit holding the sessions, who is to examine the proceedings, and pass an order either for the release or further detention of the prisoner.

The

Security for good behaviour.

REVISION OF CASES OF PERSONS IN CUSTODY.

C. 3. The period for which sureties are to be responsible for the good behaviour of individuals, shall not in any case exceed 3 years, subject to the condition that the sureties at the expiration of such period shall deliver up the individual.

C. 4. If the former surety be willing again to become security for the good behaviour of the prisoner for 3 years, his surety to be accepted, and the prisoner released.

C. 5. If the surety shall deliver the prisoner to be detained, his case to be brought before the Court of Circuit, at the ensuing sessions.

11th. C. 1. A revision of the cases of prisoners now detained in confinement for security to be undertaken.

C. 2. Governor General in Council to appoint individuals for the special duty of making such revision.

C. 3. Such officers to proceed to the sudder station of the several districts.

C. 4. To what cases such revision is to extend.

The

1818 | SECTIONS | REGULATION VIII.

Security for good behaviour.

REPORT TO GOVERNMENT. ORDER NOT SUBJECT TO APPEAL.

12th. The revision to be conducted with reference to the general principles prescribed by this Regulation.

13th. The orders passed by the officers appointed to make this revision not subject to appeal or to the revision of other authorities, unless the Nizamut Adawlut shall consider them to be unwarranted by this Regulation.

14th. A report shewing the result of the proceedings of the officers making the revision, to be submitted through the Nizamut Adawlut, for the information of Government.

The

Extending the powers of Magistrates in cases of Burglary, Theft, &c.

IN WHAT CASES TO BE TRIED BY COURTS OF CIRCUIT

28. C. 1. The zillah and city Magistrates to be guided by the following rules in cases of burglary or other offences described in Sections 2, 3 and 4, Regulation 1, 1811, not amounting to robbery by open violence.

C. 2. If any of the offences described in the Sections above referred to shall be accompained with murder, or attempt to commit murder, or with wounding, burning, or other aggravating act of personal violence, or if the prisoner shall be old offenders, or notoriously bad characters; or shall be charged with having committed the offence while employed as a watchman or Police guard, as described in Section 4, Regulation 3, 1805; or if the value of the amount stolen shall exceed Rupees 100; the offenders in all such cases to be committed for trial by the Court of Circuit.

C. 3. The Judges of Circuit to be guided by the Rules contained in Section 8, Regulation 17, 1817, in cases of conviction before

them

Extending powers of Magistrates in cases of Burglary &c.

SENTENCE TO BE PASSED CASES COGNIZABLE BY THE MAGISTRATE SENTENCE OR REFERENCE OF TRIALS BY COURT OF CIRCUIT

2d. them of any of the offences above described, referring to the Nizamut Adawlut such cases as may be referrible under Clauses 2 and 4 of that Section, and passing such sentence on prisoners whose cases may not come within those provisions as they may deem adequate, not exceeding 39 corahs and 14 years imprisonment.

C. 4. Magistrates empowered to take cognizance of burglaries and offences specified in Clause 1, if unattended with any circumstance of aggravation, specified in Clause 2; and after taking the defence of the prisoner, and the evidence designated by him, shall pass sentence of acquittal, or conviction.

C. 5. Magistrates empowered to sentence persons convicted under the preceding Clause to imprisonment with hard labor, not exceeding two years, and corporal punishment not exceeding 30 ratans.

The

Extending the powers of the Magistrates in cases of Burglary and Theft.

WHAT CASES OF THEFT TO BE TRIED BY THE COURT OF CIRCUIT.

3d. C. 1. The following rules enacted for extending the powers of the Magistrates in the punishment of persons convicted of theft, and for defining the cases cognizable respectively by the Magistrates and the Courts of Circuit.

C. 2. In all cases of theft (not within the provisions for robbery by open violence or Clause 1, Section 2, of this Regulation) if the offence or attempt be attended with Murder or with wounding, or burning, or other severe corporal injury, or aggravating personal violence, the whole of the offenders, principals and accomplices, to be committed for trial by the Court of Circuit: the Magistrates also to use their discretion in committing for theft when the accused may be a notorious offender; or when from *any circumstance* the Prisoner may appear deserving of a more severe punishment than the Magistrate is empowered to inflict; and such persons, if convicted on trial by the Court of Circuit, liable

Vide S. 4, R. 4. 1820, if the property stolen shall exceed 300 Rupees.

Extending and defining the powers of Magistrates &c.

SENTENCES.

THEFT TO BE TRIED AND SENTENCED, BY THE MAGISTRATE.

liable to the penalties prescribed by Clauses 2, 4, 5, and 7, 8, Regulation 17, 1817.

C. 3. With exception to cases above referred to, the Magistrate to try and determine, without reference to the Courts of Circuit, all other cases of theft.

C. 4. In cases of theft cognizable by the Magistrates, if the amount or value of the property stolen exceed 50 Rupees, or if the offender shall have been before convicted of Burglary or other heinous offence, or if the offence shall have been committed by a Police watchman or by a servant of the person robbed, or employed in the house; as well as in all cases of cattle stealing, the Magistrate empowered to pass sentence to the extent prescribed in Clause 5, Section 2.

C. 5. Vide C. 1. S. 3, 3, 1821. Magistrates *to refer* other cases of theft not included in the above provisions, to his assistant, or investigate them himself, and

Extending and defining the powers of Magistrates

WHAT RECEIVERS &c. TO BE TRIED BY COURTS OF CIRCUIT. ASSISTANT

and pass sentence under the powers vested in him by Section 19, Regulation 9, 1807.

4th. C. 1st. Rescinding Sections 7 and 8, Regulation 1, 1811, and enacting the following rules for the guidance of the Magistrates in investigating charges against Receivers or Purchasers of stolen property.

C. 2d. Purchasers or Receivers of stolen property, obtained by robbery by open violence, or under any circumstances of aggravation described in Clause, 2 Section 2, or Clause 2, Section 3, to be committed for trial by the Court of Circuit, and, on conviction, punishable at the discretion of the Judges of Circuit, not exceeding imprisonment for 14 years and 39 corahs.

C. 3d. Persons being habitual and notorious Receivers of stolen property, though not obtained in the perpetration of any aggravated offence, may be committed for trial by the Court of Circuit, and punishable, on conviction, at the discretion of the Judges of Circuit within the limitation above prescribed.

Magistrates

Extending and defining the powers of Magistrates &c.

RECEIVERS PUNISHABLE THO' THIEF NOT APPREHENDED. WHAT CASES MAY BE TRIED AND SENTENCED BY THE MAGISTRATE.

PRISONERS ESCAPING.

C. 4th. Magistrates empowered to [illegible] in which persons may be char[illegible] or buying stolen property, and to pass sentence on [illegible]oner not exceeding, on conviction, the limitation prescribed in Clause 5, Section 2.

C. 5th. Receivers may be tried and punished, although the actual thief or robbers may not have been convicted; provided it be proved that the theft or robbery was committed, and that the Receiver or Purchaser knew the property to have been so attained.

5th. C. 1st. Convicts or prisoners confined for security who may effect their escape, to be tried by the Magistrate, and liable to a sentence of punishment of 30 ratans, and to a specific period of imprisonment not exceeding two years.

Prisoners

SECTIONS

Extending and defining powers of Magistrates in certain [illegible]*eft.*

PRISONERS ESCAPING FROM CUSTODY

[illegible] from custody while under examination, to be tried and sentenced by the Magistrate to imprisonment not exceeding six months.

C. 3. Prisoners who, in attempting to escape, may be guilty of acts of serious personal violence, to be committed for trial by the Court of Circuit.

LIST OF PERSONS SENTENCED.

6th. C. 1. Vide C. 1. Sec. 3. R. 4, 1820. Magistrates to submit *separate lists* to the Courts of Circuit of all persons sentenced by them to a longer imprisonment than six months, and the Nizamut Adawlut and Courts of Circuit empowered to revise all sentences and orders passed by the Magistrates under this Regulation.

C. 2. The powers herein vested in the Magistrates extended to the Superintendents of Police and Joint Magistrates.

ARREST STAYED ON CERTAIN CHARGES.

7th. C. 1. Darogahs and Police Officers to exercise their discretion in staying process of arrest, or sending in to the Magistrate persons charged

Rec[illegible] [illegible]IONS VI.

charged with the[illegible] [illegible]asons, it may be advisable [illegible] wise, unattended with any personal [illegible]ntes, to be considered Pub. sons against whom the offence may hav[illegible] [illegible]ies shall be deemed Pul express their desire that the offenders shall not be [illegible]d, or brought to punishment.

C. 2. But such cases to be reported by the Police Darogahs to the Magistrate for his orders.

C. 3. Considerations, with respect to any extenuating circumstances of the offence, or persons by whom committed, by which the Magistrates to be guided in passing their orders upon such report.

The

Regulation III.

The provisions of Section 16, Regulation 3, 1818, declared applicable not only to Gang robbers, but also to other notorious robbers of whatever denomination, whom it would be unsafe to release without substantial security.

3d.		Judges of Circuit, and other Officers, to be guided by the foregoing rule in the future execution of their duty.

Regulation VI.

Public Ferries.

2d.	C. 1st.	Rescinding Regulation 19, 1816.
	C. 2d.	Collectors to refrain from exercising any interference with the Public Ferries, the superintendence of which shall be vested in the Magistrates and Joint Magistrates.
3d.	C. 1st.	Ferries near the Stations of the Magistrates and Joint Magistrates, or such as may intersect Military routes or much fre-

mented

Management of Public Ferries.

DESCRIPTION OF PUBLIC FERRIES.

place under the control of the Magis
lic Ferries.

C. 2d. Government to determine what Fer
lic Ferries.

C. 3d. Lists of proposed Ferries to be submitted to Governm ent through the Superintendents of Police,

OF MANAGERS.

4th. C. 1st. Magistrates and Joint Magistrates empowered to appoint persons to the charge of Ferries, and to regulate the rates of toll and the number and description of Boats.

C. 2d. Persons in charge of the Ferries, on proof of misconduct, may be removed from their situations, and others appointed in their room.

PERSONS EXEMPTED FROM TOLL.

C. 3d. The Troops of Government with their Baggage and all Police and other native officers of Government on public service, to cross free of toll.

Attested

[illegible] A general list of public Ferries to be [illegible] up in the Magistrates and Collectors Cutcherries, and at the Police Thannahs.

Management of public Ferries

PRINCIPAL OBJECTS TO BE ATTENDED TO.

COMPENSATION FOR LOSS.

6th. C. 1. The exclusive right of public Ferries declared to belong to Government, and all private Ferries in their vicinity prohibited. Attention to be paid to claims for compensation in case of loss.

C. 2. To be enquired into by the Magistrates and reported to Government through the Superintendents of Police.

7th. C. 1. In assuming the management of public Ferries, the Magistrates to attend to the maintenance of an efficient Police, the safety, and convenience of travellers, the facility of commercial intercourse, and the expeditious transport of troops. The rates of toll to be fixed on a moderate scale, so as to bear lightly on the poor, and leave a fair profit to the person in charge of the Ferry.

No

Management of public Ferries

APPROPRIATION OF SURPLUS COLLECTIONS.

No collections to be made, except on Government order.

the objects specified in the preceding clause have been attained. Surplus collections to be applied to the construction of roads, bridges, suraees, &c.

C. 3. Rule of proceeding in cases where a public Ferry shall yield a surplus revenue. Persons in charge to enter into engagements for the payment of a proper portion of the surplus, and if refusing to do so, the charge may be given to another person.

MODE OF PAYMENT. ENGAGEMENTS FOR PAYMENT.

C. 4. The mode of paying the collections realized under this Section to be adjusted under the orders of Government. Receipts to be granted to the managers on the payment of revenue.

SECURITY.

8th. Security for good behaviour to be given by persons in charge of public Ferries, as well as for the punctual performance of their engagements.

Management of public Ferries

POWER TO RELINQUISH CHARGE.

9th. Persons to be allowed to relinquish the charge of Ferries on giving ten days notice, and paying up arrears. But the Boats to be transferred to his successor on a fair valuation, or retained on hire until others can be provided.

DEFAULTERS

10th. If a person in charge of a public Ferry shall fail to pay the amount of rent due from him, he may be removed, and the Magistrate to proceed against him, or his surety, for the recovery of it under the provisions of Section 7, Regulation 18, 1817.

REDUCTION OF TOLL &c.

11th. Persons on receiving charge of public Ferries to be informed of the discretion reserved to the Magistrate for reducing the rate of tolls, or for extending the exemptions.

12th. C. 1. In such cases the person in charge to be informed whether any reduction in the rent will be allowed him, or not.

A person,

Management of public Ferries

FERRIES NOT PUBLIC

PUNISHMENT OF MANJHEES.

ANNUAL STATEMENTS

12th. C. 3. A person, if unwilling to pay the fixed rent of a Ferry, shall nevertheless carry the orders of the Magistrate into effect, and state the rent he may be willing to pay. If his offer should be inadequate, he may be removed, and another person appointed in his room.

13th. C. 1. Magistrates prohibited from interfering with any other than public Ferries, except for purposes of Police and the safety of passengers.

C. 2. But if any person shall be drowned, or property lost or damaged by the upsetting of a Ferry-boat in consequence of its being overloaded or insufficiently manned, or from being in bad repair, the Manjhee shall be liable to such punishment, not exceeding six months imprisonment, or a fine of 200 rupees, as the Magistrate may think proper to impose.

14th. Annual statements of public Ferries made up to the 1st January

1819 | SECTIONS

REGULATION VI.

January in each year to be transmitted by the Magistrates to Government through the Superintendents of Police. What such statements are to contain.

REGULATION VII.

ABDUCTION OF WOMEN.

2d. Persons enticing and taking away a married woman, or unmarried female under the age of 15, for the purpose of prostitution, without the consent of the husband, or parent or other guardian, liable to imprisonment not exceeding 6 months and a fine of 200 Rupees, commutable, if not paid, to six months more. If the offender shall appear to merit a severer punishment, to be committed to the Court of Circuit.

DESERTION OF WIVES AND OFFSPRING.

3d. Persons convicted of deserting their wives and families, and of wilfully neglecting to support them, to be required to do so by the Magistrate, and on failing to do so, may be imprisoned for a period not exceeding one month.

4th. The above rule applicable to illegitimate children and their mothers.

Workmen

1819	Sections		Regulation VII.
Masters and Servants. WORKMEN ABSCONDING.	5th.		Workmen engaging for a stipulated term, or contracting for the performance of work, and without sufficient cause quitting the service or work so engaged for, may be sentenced by a Magistrate or joint Magistrate to one month's imprisonment: Second offence punishable by two months imprisonment.
SERVANTS ABSCONDING.	6th.	C. 1. 1.	The foregoing rule declared applicable to domestic servants engaged for a fixed term, or from month to month, who shall quit the service of their employers without giving notice of 15 days.
EMPLOYERS.		C. 2d.	Employers prohibited without sufficient cause from discharging their servants before the expiration of the fixed term, or in the case of monthly servants, without giving warning of 15 days, or paying their wages for that period.

Magistrate

Masters and Servants

SERVANTS DISCHARGED FOR MISCONDUCT OR QUITTING RULE HOW ENFORCED SERVICE IN CONSEQUENCE OF ILL TREATMENT &C.

6th. C. 3. Magistrates and Joint Magistrates in what manner to inforce the provisions of the foregoing clause on application being made on the prescribed stamp paper.

C. 4. No servant shall be entitled to recover more than his arrear of wages if discharged for misconduct, nor shall any workman or servant be punished under the provisions of this Regulation, who may have quitted the service of his employer in consequence of maltreatment, or nonpayment of wages due, or other sufficient cause.

7th. All sentences passed under this Regulation to be open to the control of the Courts of Circuit.

The

Persons charged with crimes in Chundernagore and Chinsurah

POWER OF THE MAGISTRATE OF HOOGLY.

2d. C. 1. The Magistrate of Hooghly authorized to receive into his custody natives of India forwarded to him from Chundernagore and Chinsurah, charged with the commission of murder, and other heinous offences.

C. 2. And may discharge such persons or commit them to take their trial before the Court of Circuit.

C. 3. The Magistrate not empowered to punish such persons himself.

POWER OF THE COURT OF CIRCUIT AND NIZAMUT ADAWLUT.

3d. The Court of Circuit and the Nizamut Adawlut empowered to take cognizance of such cases, and pass sentences agreeable to the Regulations in force.

4th. The above rules applicable to persons charged with having committed such offences in the interval between the restoration of the settlements of Chundernagore and Chinsurah and the date of this Regulation.

Such

1820 SECTIONS REGULATION III.

Pressing Coolies prohibited.

24. Such parts of Regulation 11, 1806, as authorize the Collectors or the Magistrates and their officers to assist in procuring Coolies for facilitating the march of troops, or other persons travelling through the Country, are hereby rescinded.

3d. The practice of pressing Coolies, or begarees, prohibited, and the Magistrates enjoined to put a stop to such practice by all means in their power, and to punish persons convicted of the offence.

Magistrates

MILITARY SENTENCES

2d. Magistrates competent to give effect to Military sentences adjudging imprisonment with labor among the Convicts of the Civil power.

SENTENCES PASSED BY THE MAGISTRATES.

3d. C. 1. In addition to the rule contained in Clause 1, Section 6, Regulation 12, 1818, Magistrates to transmit to the Court of Circuit at the sudder station, a monthly statement of sentences passed by them under that Regulation.

C. 2. The Court of Circuit at the sudder station may call for the proceedings in such cases under the general provisions of Section 23, Regulation 9, 1807, and pass such orders as may appear proper; provided that two or more Judges are present if the Magistrate's order be reversed or altered.

CASES OF THEFTS EXCEEDING 300 RUPEES.

4th. Clause 2, Section 3, Regulation 12, 1818, amended. In cases of theft when the amount or value of the property stolen shall exceed the sum of 300 Rupees, the Magistrate not to pass sentence on the accused, but commit him for trial to the Court of Circuit.

Sections 11 and 12, Regulation 21, 1795; Regulation 5, 1797; Sec: 6, Regulation 8, 1799, Sections 9 and 10 Regulation 3, 1804; and such other provisions in the existing Regulations as relate to the offence of Dhurna, are hereby rescinded.

On a complaint being preferred on oath against any person for sitting Dhurna, the Magistrates to take cognizance of the offence, and if upon enquiry the accused shall be proved guilty, to commit him for trial to the Court of Circuit, excepting in the cases mentioned in Section 7, wherein they are competent to pass sentence themselves.

In trials before the Court of Circuit, the Mohammedan law officer to write his Futwa, declaring whether the offence is established, or not.

On conviction of the offence of Dhurna before the Court of

Circuit,

Punishment in cases of Dhurna

MAGISTRATES HOW TO PROCEED

Punishment in cases of Dhurna

PUNISHMENT BY THE MAGISTRATES. REFERRIBLE OR NOT, PUNISHMENT BY THE COURT OF CIRCUIT

Circuit, the offender may be imprisoned in the Civil Jail for a period not exceeding one year, and fined to the amount of 1000 Rupees; commutable, if not paid, to a further imprisonment for a term not exceeding one year.

6th. Trials for Dhurna referrible or not to the Nizamut Adawlut according to the rules applicable in other trials.

7th. The Magistrates empowered to pass sentence of fine not exceeding 200 Rupees, commutable, if not paid, to imprisonment in the Civil Jail for a period not exceeding six months, in cases of Dhurna which in their opinion may not require commitment to the Court of Circuit.

Regulation III.

In case of accumulation of business in any Zillah or City Court, the Nizamut Adawlut to report to Government the qualifications of the Assistant to the Magistrate in such Zillah or City.

On the receipt of such report the Governor General in Council is empowered to invest the Assistant with the special powers described in the following Clause, notice of which is to be communicated to the Magistrate, Court of Circuit and Nizamut Adawlut.

Section 20, Regulation 9, 1807 modified. Assistants to the Zillah and City Magistrates specially empowered in all cases referred to them in which the penalties enacted by the above Section may appear insufficient, to pass sentence of imprisonment not exceeding six months, with corporal punishment not exceeding 30 rattans, in cases in which corporal punishment is authorized by the Regulations, or in other cases, with a fine not exceeding 200 Rupees, commutable in default of payment to a further period not exceeding six months.

If the offence proved against the prisoner may appear to require a more severe punishment, the Assistant shall submit his proceedings for the orders of the Magistrate, who will decide upon it according to the Regulations.

The

LAW OFFICERS EMPOWERED TO TRY CRIMINAL CASES.

SUCCESSOR NOT TO EXERCISE SPECIAL POWERS UNLESS AUTHORIZED. } REFERRED CASES MAY BE RECALLED

SECTIONS	REGULATION III.
S. 2. C. 5.	The Rules contained in Sections 21 and 22, Regulation 9, 1807 to be applicable to all cases referred to the Assistants under this Section.
C. 6.	Magistrates may recall any cases referred to their Assistants under the present or former Regulations.
C. 7.	In cases of death, removal, or resignation of Assistants vested with special powers, their successors are not to exercise those powers unless authorized by the Governor General in Council who may revoke the special powers granted whenever he may think proper.
3d. C. 1.	Magistrates may refer for trial to the Hindoo [illegible] medan law officers of their Courts all complaints [illegible] abusive [illegible] guage, calumny, inconsiderable assault or affray, and all cha[illegible] of petty thefts.
C. 2.	And also cases heretofore referrible to their Assistants in [illegible] manner prescribed by the Regulations.

The

REGULATION III.

The law officers empowered to exercise the same powers as those vested in the Assistant by Section 20, Regulation 9, 1807, that is, to sentence persons convicted of calumny, abusive language, or inconsiderable assault or affray, to punishment not exceeding fifteen days imprisonment, with a fine of 50 Rupees, commutable in default of payment to fifteen days more; and to sentence persons convicted of petty theft to punishment not exceeding 30 rattans and one month imprisonment. Persons convicted before the law officers, not to be confined in irons without the orders of the Magistrate.

Law officers to furnish the Magistrates on the 5th of each month with statements of decisions passed by them, which are to be carefully inspected by the Magistrates, and incorporated in the statements furnished to the superior Courts.

The foregoing rules applicable to sudder Ameens empowered under Section 5, Regulation 2, 1821, to try civil suits exceeding 150 Rupees, and to those appointed to the stations of the Joint Magistrates.

No

Administration of Criminal Justice.

APPEALS FROM THE CHOWKEEDARY ASSESSMENT. APPEALS IN CRIMINAL CASES

S. 5. C. 1. No appeal shall be admitted from the decisions of the Assistants and sudder Ameens under the foregoing rules, unless preferred within one month from the date of such decisions. Nor any appeal from the order of a Magistrate or Joint Magistrate unless preferred to the Court of Circuit at the sudder Station within the period of one month, or to the Judge of Circuit holding the next sessions at the Zillah station, unless the petitioner shall have been prevented from appealing by circumstances totally beyond his control.

C. 2. The period of one month to be calculated on the principles laid down in Clause 10, Section 8, Regulation 26, 1814.

6th. C. 1. Clause 2, and such parts of Clause 1, Section 12, Regulation 22, 1816, as require that petitions against the Chowkeedary assessments fixed by Punchait shall be written on stampt paper, are hereby rescinded.

C. 2. Magistrates and Joint Magistrates authorized to receive such petitions on unstampt paper.

C. 3. And to proceed upon them as directed in Clause 1, Section 12, Regulation 22, 1816. The Judges of Circuit holding the Jail delivery shall report to Government any cases of improper assessment, in order that measures may be adopted for the revision of it.

Rules

Suspicious persons travelling through the Country in Bodies

C. 1. Rules for preventing subjects of Foreign States entering the British Territories under fictitious characters for unlawful purposes.

C. 2. In addition to the powers vested in the Darogahs of Police by Section 20, Regulation 20, 1817, with regard to the apprehension of vagrants and suspicious persons, they are hereby empowered to detain all persons travelling in bodies through their jurisdictions or assembling therein under suspicious circumstances, and unles they shall give a satisfactory account of themselves, the Darogahs shall either report the circumstances of the case for the orders of the Magistrate, or, in cases of emergency, forward such persons to the Zillah Court.

C. 3. If the Darogah shall not see sufficient cause to detain the persons above mentioned or to send them to the Magistrate, but shall nevertheless entertain suspicions against them, he shall depute one or more police officers to watch their proceedings and give notice to the adjoining Police Darogah, in order that the same precautions may be adopted by him.

Suspicious persons travelling through the Country in Bodies.

LANDHOLDERS &c. TO GIVE EARLY INTIMATION TO THE POLICE.

S. 7. C. 1. If the Darogah shall forward to the Magistrate persons of the above description, the Magistrate will either release them, or adopt the precautionary measures set forth in the preceding Clause, or compel them to return to the district or territory from which they may have proceeded.

C. 5. Landholders and farmers, munduls, chowkeedars and village-guards of every description responsible for the early communication to the nearest police station of the resort to, or passage through, their villages, of any considerable body of strangers, or of their assemblage within the limits of their villages. Any landholder, &c. who shall wilfully neglect or delay to give the information above required, shall be punished by fine and imprisonment not exceeding the limitation specified in Section 13, Regulation 9, 1808, and any chowkeedar or other village-watchman shall be liable for such neglect to the punishment which the Magistrates are authorized to inflict by Section 6, Regulation 3, 1812.

1821

Regulation IV.

A Regulation for authorizing a Collector of Land Revenue, or other officer employed in the management or superintendance of any branch of the Territorial Revenues, to exercise, in certain cases, the powers of Magistrate or Joint Magistrate; and for authorizing a Magistrate or Joint Magistrate or Assistant to a Magistrate, to exercise, in certain cases, the powers of a Collector of Land Revenue, or of any other officer employed in the management or superintendence of any branch of the Territorial Revenues, &c.

Regarding Affrays.

MAGISTRATES AND JOINT MAGISTRATES EMPOWERED TO PUNISH IN CERTAIN CASES.

2d. Regulation 49, 1793, Regulation 32, 1803, and Regulation 5, 1809, are hereby amended.

3d. Magistrates and Joint Magistrates empowered to punish persons convicted of being concerned in affrays unattended with Homicide, severe wounding, or other aggravating circumstance.

4th. In awarding punishment in such cases the Magistrates and Joint Magistrates not to exceed the powers vested in them by Section 19, Regulation 9, 1807. Nor to award corporal punishment. Nor to refer such cases to his Assistant, unless he shall have been invested with the special powers specified in Section 2, Regulation 3, 1821.

5th. All cases of affray not punishable by the Magistrate to be disposed of as heretofore.

OFFENCES COMMITTED BEYOND THE BRITISH TERRITORIES.

6th. Magistrates empowered to proceed in all offences committed by native subjects of Government out of the limits of the British provinces in the same manner as in similar offences committed within those limits, after receiving the sanction of the Governor General in Council.

Power

ACQUITTAL IN OPPOSITION TO THE FUTWA.

S. 2. 1. 2.

Power vested in two or more Judges of the Nizamut Adawlut to pass sentence of acquittal, notwithstanding a Futwa of conviction by the Law officers of that Court.

HEIRS REFUSING TO PROSECUTE.

3d.

In cases of murder, mutilation, or severe personal injury in which the heir may refuse to prosecute, the Law officers to declare what the Futwa would have been, had he prosecuted, and the Judge to pass sentence the same as if the heir had come forward.

INSANITY OF A PRISONER AFTER THE COMMISSION OF CRIME.

4th.

In case of a prisoner being afflicted with insanity subsequent to the commission of any crime, and of his subsequent perfect recovery, the law officers shall be called on to declare what the Futwa would have been, if such derangement had not intervened, and the Judge shall pass sentence the same as if no such malady had happened to the prisoner.

Where

Administration of Criminal Justice.

PLEA OF THE CRIMINAL IN CASES OF MURDER.

5th. Whereas in certain cases of murder the justificatory plea that the murdered person was detected in fornication has been upheld by the Law officers in bar of capital or discretionary punishment, and has been declared to subject the prisoner to Deyut only, it is hereby enacted that the Law officers shall be called on to state what the Futwa would have been in such cases, had the plea not existed, and the Judge or Judges sitting on the trial shall pass sentence accordingly.

POWER OF THE JUDGE OF CIRCUIT UNDER A FUTWA OF HUKOOMUTI-UDL.

6th. In many cases of corporal injury extending to Maihem, the Law officers have declared the prisoner liable to Hukoomuti-udl, or a just award, meaning payment by the prisoner of the expenses of medicine and medical attendance, it is therefore enacted that the Judge of Circuit shall, under such Futwa, pass sentence of imprisonment not exceeding seven years, or, if that degree of punishment be considered inadequate, shall refer the case to the Nizamut Adawlut.

7th. Provisions of Section 4, Regulation 17, 1817, empowering two or more Judges of the Nizamut Adawlut to punish persons convicted of criminal offences in opposition to the Futwa of

their

PUNISHMENT IN OPPOSITION TO THE FUTWA.

7th. their law officers, extended to cases in which they may declare the punishment barred by doubts of the prisoner's sanity when he committed the act charged, and in which the Judges of the Nizamut Adawlut may be satisfied that the prisoner was not insane.

REGULATION V.

Trial of Proclaimed Persons.

2d. C. 1. Sections 3, 6, 7, 8, and 10, Regulation 9, 1808, modified.

C. 2. Persons proclaimed under the provisions of Regulation 9, 1808, may be brought to trial on the charge which led to the proclamation, instead of being tried for contumacy in not appearing to answer to it.

3d. The Superintendant of Police to determine, on communication from the Magistrate, on which of the two charges a proclaimed person shall be brought to trial.

4th. Proclaimed persons when tried for contumacy and acquitted, may be tried de novo for the original offence, but cannot be tried for the contumacy if acquitted on the original charge.

No

Administration of Criminal Justice.

POWER OF THE GOVERNOR GENERAL IN COUNCIL AND THE NIZAMUT ADAWLUT TO ORDER THE TRIAL OF OFFENCES TO BE CONDUCTED IN A DISTRICT DIFFERENT FROM THAT IN WHICH THE OFFENCE CHARGED MAY HAVE BEEN COMMITTED.

S. 2. C. 4. No Magistrate shall pass sentence upon, nor commit for trial by the Court of Circuit, persons charged with offences not perpetrated within the limits of his Jurisdiction, except under the special authority of the Governor General in Council or of the Nizamut Adawlut. If the offence charged shall have been perpetrated beyond his jurisdiction, he shall send the parties and witnesses with his proceedings to the Magistrate of the district in which it may have been committed. Or, if this appear objectionable, shall report the case for the orders of the Nizamut Adawlut.

3d. C. 1. It shall be competent to the Governor General in Council to order a trial to be conducted at a different Zillah or City than that in which the offence charged may have been perpetrated. Notice of such order to be given to the Nizamut Adawlut and the Court of Circuit.

C. 2. It shall be competent also to the Nizamut Adawlut to order the removal of any trial from one district to another whenever the ends of justice, or the convenience of the parties may be promoted thereby.

Trials

GOVERNOR GENERAL IN COUNCIL TO DETERMINE BEFORE WHAT COURT OF CIRCUIT PERSONS COMMITTED BY OFFICERS EXERCISING PERMANENTLY OR TEMPORARILY THE POWERS OF MAGISTRATE IN ANY PORTION OF A DISTRICT, SHALL BE TRIED.

SECTIONS

REGULATION VIII.

4th. Trials conducted in the manner above prescribed to have the same legal effect as if they had been conducted in the district in which the crime had been perpetrated.

5th. Foregoing rules applicable to the Superintendents of Police and to all officers exercising the powers of Magistrate.

6th. In case of an officer being deputed permanently or temporarily to exercise the powers of Magistrate in any portion of a district or portions of several districts, the Governor General in Council will determine at what station and in what manner persons committed to take their trial before the Court of Circuit for offences committed within the limits assigned to such officer, shall be brought to trial. Notice of which to be given to the Nizamut Adawlut.

In

FOREIGNERS RESIDING IN THE COMPANY'S TERRITORIES.

2d. In addition to the classes of persons specified in Section 2, Regulation 8, 1813, the rules of Regulation 5, 1809, and Section 6, Regulation 1, 1822, are declared applicable to all Foreigners and others settling or residing for six months within the Company's Territories.

EXECUTION OF SENTENCES OF THE CRIMINAL COURTS IN TERRITORIES NOT SUBJECT TO THE GENERAL REGULATIONS.

3d. C. 1. Zillah and City Magistrates declared competent to give effect to sentences passed by the Criminal Courts established in Territories not subject to the general Regulations.

C. 2. A warrant from the officer exercising criminal jurisdiction within such territory shall be considered sufficient authority for the confinement, or punishment, or for transmitting any prisoner for transportation beyond Sea.

C. 3. In cases of doubt as to the legality of such warrant, or the competency of the officer by whom it may have been issued, a reference to be made to the Governor General in Council, and in the mean time the prisoner to be detained in custody.

C. 4. The rules in force for the treatment of prisoners confined in Jail, applicable to prisoners confined under this Section.

Separating

REGULATIONS SUSPENDED.

2d. Separating the tract of country comprised in the Thannahs of Gualpara, Dhoobree, and Kurreebaree, from the jurisdiction of the district of Rungpore, and declaring the operation of the existing Regulations suspended therein, except so far as hereafter provided.

APPOINTMENT OF A COMMISSIONER.

3d. A Civil Commissioner appointed for the North East parts of Rungpore above described, vested with the power of administering Civil and Criminal Justice, the collection of the Revenue and the superintendence of the Police in the manner prescribed in this Regulation.

POWERS OF THE COMMISSIONER.

4th. C. 1. Commissioner to exercise the functions of Magistrate and to have criminal jurisdiction in the trial and sentence of persons charged with offences to the extent permitted by the Regulations to a Circuit Judge, but no Futwa to be required.

Commissioner

SECTIONS

REGULATION X.

4th. C. 2d. Commissioner and officers acting under his control shall ordinarily conform to the principles and spirit of the Regulations applicable, but shall obey all special rules or orders of Government. The Governor General in Council may confer on the Commissioner the power of granting conditional pardon to accomplices or may extend or modify any part of the authority vested in the Commissioner and his officers by this Regulation; and an order from Government shall be sufficient authority for such modification without the enactment of a specific Regulation.

C. 3. If the Commissioner shall deem an offender deserving of a more severe punishment than a Judge of Circuit is competent to adjudge, he shall refer the case for the orders of the Nizamut Adawlut.

5th. The Nizamut Adawlut will pass sentence in the case without requiring the Futwa of their law officers.

Power

REGULATION X.

SECTIONS	
6th.	Power of the Commissioner in administering Civil justice.
7th.	Process and form of trial in Civil actions.
8th. C. 1.	Rules for the conduct of Revenue duties.
C. 2.	No suit shall be entertained by any Civil Court established within the tract of country subject to the authority of the Commissioner on account of any act done under the authority of the Governor General in Council.
9th.	All questions regarding the application of the Rules in matters connected with the tract of country described in Section 2, of this Regulation, shall be referred for the orders of the Governor General in Council.

Persons

1823 | SECTIONS | REGULATION II.

MINIMUM OF PUNISHMENT FIXED.

2d. Persons duly convicted before the Courts of Circuit on a charge of affray attended with homicide, not to be sentenced to a shorter period of imprisonment than five years, with or without corporal punishment.

REFERENCE TO THE NIZAMUT ADAWLUT.

3d. Whenever the Judge of Circuit shall be of opinion that the punishment above stated is too severe, he shall refer the case for the sentence of the Nizamut Adawlut.

Approved.

4th. Nothing in this Regulation to be construed, to alter the existing rules by which the Judges of Circuit are empowered to pass sentence of imprisonment of seven years, with or without labor and corporal punishment.

Any

Printing Presses &c.

2d. Any person who shall print any Book or Paper or shall keep any Printing Press or Types, or other materials or articles for printing, without having previously obtained a license from the Governor General in Council, shall be liable, on conviction before a Magistrate or Joint Magistrate to a fine not exceeding one thousand Rupees, commutable, if not paid, to imprisonment without labor for a period not exceeding six months.

3d. Magistrates and Joint Magistrates to attach all unlicensed Printing Presses, together with any printed Books or Papers found on the premises, to be disposed of as the Governor General in Council may direct. And to issue a Search-warrant on receiving credible information that unlicensed Presses, &c. are kept in any house within his jurisdiction.

4th. Persons wishing to keep or use Printing Presses or other materials for printing, to make written application to the Magistrate or Joint Magistrate, specifying the name, profession, caste age and place of abode of the person or persons who are [or are intended

Printing Presses &c.

APPLICATION FOR LICENSE.

4th. intended to be] the Printers and Publishers, and the names of the proprietors, and the place where such Printing Press is to be established. The facts so stated are to be verified on oath or solemn declaration by the Printers, Publishers or Proprietors or such of them as the Magistrate may select.

5th. Copy of application to be forwarded (with translation if not in English) to the Governor General in Council, who will grant or withhold the license at his discretion.

CONDITIONS.

6th. The conditions which may be attached to such license to be communicated to the parties concerned, both verbally and in writing.

MAY BE RESUMED.

7th. The Governor General in Council reserves to himself the power of recalling and resuming such license whenever he may think proper.

8th. Any person who shall use such Printing Presses, &c. after being served with a notice that his license has been resumed, shall

shall be subject to the penalties prescribed in Section 2, and the Presses, &c. shall be attached in the manner provided in Section 3 of this Regulation.

9th. The first and last pages of Books and Papers printed at a licensed press shall specify the name of the printer, and of the place at which they may have been printed. One copy of every Book or Paper so printed shall be immediately forwarded to the Magistrate or Joint Magistrate of the Jurisdiction, who will pay for the same; if in English or other European language, the copy is to be transmitted by the Magistrate or Joint Magistrate to the Chief Secretary, or if in any Asiatic language, to the Secretary in the Persian Department.

10th. If the Governor General in Council shall deem it expedient to prohibit the circulation of any Newspaper or printed Book or Paper, notice will be given in the Government Gazette, in the English, Persian and Bengallee Newspapers.

Any

SECTIONS

REGULATION III.

11th. Any persons subject to the authority of the Zillah or City Courts who, after the above notice, shall circulate any Newspaper, &c. which may have been prohibited, shall, on conviction, be subject, for the first offence to a fine not exceeding 100 Rupees, commutable, if not paid, to imprisonment without labor for a period not exceeding two months; and for every subsequent offence to a fine not exceeding 200 Rupees, commutable to imprisonment for a period not exceeding four months without labor.

PENALTIES FOR INFRINGEMENT OF THE PROHIBITION.

12th. If the offender be not amenable to the Zillah or City Courts, the Governor General will adopt such measures for enforcing the prohibition as may appear just and necessary.

IF THE OFFENDER BE NOT AMENABLE TO THE ZILLAH COURTS.

All

Regulation III.

1st. All judgment passed by a Magistrate or Joint Magistrate under this Regulation to be reported, with a correct and literal translation of the proceedings, to the Governor General in Council.

Regulation IV.

2d. Intent of Section 14, Regulation 7, 1794, [extended to Benares by Regulation 16, 1795] Section 8, Regulation 4, 1797, and of Section 21, Regulation 7, 1806, explained as follows.

3d. Every trial which may have been held before a Court of Circuit in which a Law officer of a Zillah Court may have been employed in the absence of the Law officer of the Circuit Court, declared legal and valid.

4th. Employment of the Law officers of the Zillah or City Courts authorized whenever the Law officer of the Circuit Court may be unable to attend from indisposition or other cause.

The

5th. The Judge of Circuit shall record on the proceedings of each trial the cause of the non-attendance of his Law officer, and the name and station of such other Law officer as may be employed in his stead.

6th. No Judge of Circuit, or officiating Judge, shall try cases in which the prisoner may have been committed by himself. In all such cases the trial shall be postponed and reported for the orders of the Nizamut Adawlut.

7th. In modification of the provisions contained in the 3d and 4th Clauses of Section 2, Regulation 14, 1812, the Superintendent of the Jail at Allypore is authorized to employ beyond the area of the Jail any convicts sentenced to imprisonment for life with labor.

8th. The provisions of Sections 4 and 5, Regulation 21, 1814, (Dewanny) and of Sections 2 and 4, Regulation 25, 1814 (Dewanny) are hereby rescinded.

FINIS.

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